

EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA

* * * * *

BENEZET CONSULTING, *

LLC; and TRENTON POOL, *

Plaintiffs *Case No.

vs. *1-16-CV-0074

PEDRO A. CORTÉS, in *

his official capacity *

as the Secretary of *

the Commonwealth of *DEPOSITION OF

Pennsylvania; and *CARL ROMANELLI

JONATHAN MARKS, in his *October 18,

official capacity as *2016

Commissioner of the *

Bureau of Commissions, *

Elections and *

Legislation, *

Defendants *

* * * * *

Any reproduction of this transcript is
prohibited without authorization by
the certifying agency.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPOSITION

OF

CARL ROMANELLI, taken on behalf of the
Plaintiffs herein, pursuant to the
Rules of Civil Procedure, taken before
me, the undersigned, Bernadette M.
Black, a Court Reporter and Notary
Public in and for the Commonwealth of
Pennsylvania, at the Crown Plaza-
Harrisburg, 23 South Second Street,
Harrisburg, Pennsylvania, on Tuesday,
October 18, 2016, beginning at
1:46 p.m.

A P P E A R A N C E S

PAUL ANTHONY ROSSI, ESQUIRE

873 East Baltimore Pike

Suite 705

Kennett Square, PA 19348

COUNSEL FOR PLAINTIFFS

KENNETH JOEL, ESQUIRE

NICOLE LYNN ADAMS, ESQUIRE

PA Office of Attorney General

15th Floor, Strawberry Square

Harrisburg, PA 17120

COUNSELS FOR DEFENDANTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS: CARL ROMANELLI

EXAMINATION

By Attorney Rossi 7 - 83

EXAMINATION

By Attorney Joel 83 - 133

RE-EXAMINATION

By Attorney Rossi 133 - 140

RE-EXAMINATION

By Attorney Joel 141 - 143

CERTIFICATE 144

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT PAGE

PAGE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
	NONE OFFERED	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OBJECTION PAGE

ATTORNEY

PAGE

Joel 30 , 71 , 78

1 P R O C E E D I N G S

2 -----

3 CARL ROMANELLI, HAVING FIRST BEEN DULY
4 SWORN, TESTIFIED AS FOLLOWS:

5 -----

6 EXAMINATION

7 BY ATTORNEY ROSSI:

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. Can you state your name for the
11 record, please?

12 A. Yes, Carl Romanelli.

13 Q. Okay. Let me go over
14 some ---. Have you ever been deposed
15 before?

16 A. Yes, I have been.

17 Q. Let me go over some foundation
18 rules. If I ask a question and you
19 don't understand it, stop and ask me
20 to clarify it. Okay?

21 A. Okay.

22 Q. The other answer (sic) is, give
23 verbal answers, yes or no, so that the
24 court reporter can record your answer.

25 A. Yes.

1 Q. And I assume, then, that if you
2 answer a question you will have
3 understood it; correct?

4 A. Yes.

5 Q. Okay. Is there any reason
6 today ---? Are you on any medication
7 or any other drug that would prevent
8 you from testifying truthfully?

9 A. No.

10 Q. Where do you live?

11 A. In Wilkes-Barre. Do you want
12 the full address?

13 Q. Full address, please.

14 A. 350 South Franklin Street, in
15 Wilkes-Barre, Pennsylvania.

16 Q. Okay. What county is that?

17 A. Luzerne.

18 Q. Are you a registered voter?

19 A. Yes, I am.

20 Q. Are you a registered voter in
21 Luzerne County?

22 A. Yes, I am, at that address.

23 Q. What is your ---? Are you
24 affiliated with a party?

25 A. Yes.

1 Q. What party are you affiliated
2 with?

3 A. The Green Party of
4 Pennsylvania.

5 Q. How long have you been a
6 registered voter?

7 A. Since I was 18 years of age.
8 So that would be since 1977.

9 Q. Have you always been a member
10 of ---? Have you always been
11 registered as a member of the Green
12 Party?

13 A. No, I have not.

14 Q. Before you were registered and
15 then with the Green Party, were you
16 registered with a party?

17 A. Yes.

18 Q. What party were you registered
19 with?

20 A. The Democratic Party.

21 Q. Is that the first party you
22 were registered with?

23 A. Yes, the only time I ever
24 changed my party affiliation was when
25 I went from being a Democrat to a

1 Green in 2000.

2 Q. 2000?

3 A. Yes.

4 Q. Going back to when you were a
5 Democrat before 2000, did you hold any
6 party office with the Democrats?

7 A. I was co-chair of an
8 organization in Luzerne County called
9 the Luzerne County Dissident
10 Democrats.

11 Q. Sorry. I'm sorry, was that an
12 official party office?

13 A. We were an organization that
14 challenged the party establishment on
15 agendas.

16 Q. Okay. Were you ever a
17 Republican committeeman for the
18 Democrat Party?

19 A. No.

20 Q. Okay. So you never held any
21 party office, ---

22 A. No, not that I can recall.

23 Q. --- when you were a Democrat?

24 A. Yes.

25 Q. Did you ever run for public

1 office as a Democrat?

2 A. Yes, I did.

3 Q. When was that?

4 A. In the 1981 Luzerne County
5 Democratic Primary I was one of six
6 candidates that ran for Prothonotary.

7 Q. And what year was this again?

8 A. 1981.

9 Q. Did you win that office?

10 A. I did not.

11 Q. Is that the only time you ran
12 for public office?

13 A. As a Democrat, yes. But I ran
14 also for United States Senate in
15 Pennsylvania in 2006 as a Green.

16 Q. Okay. But for the Democrat
17 Party, that was the only time you ran
18 for public office, was for
19 Prothonotary in Luzerne County in
20 1981?

21 A. Correct.

22 Q. How did you get on the Luzerne
23 County ballot? Do you recall how you
24 got onto the Luzerne County ballot?

25 A. Yes, I had petitions, candidate

1 petitions, that I actually door
2 knocked with street lists to qualify.

3 Q. And do you remember what the
4 requirements were for that petition?

5 A. I believe it was 300 signatures
6 was the minimum number countywide. It
7 may have been 500. I don't recall
8 offhand.

9 Q. To the best of your
10 recollection, was anyone allowed to
11 sign your petition?

12 A. No, they had to be registered
13 Democrats. That's why I door knocked
14 with a street list.

15 Q. Why was a street list helpful?

16 A. Because it identified in the
17 neighborhood which households had
18 registered Democrats or Republicans or
19 registered voters even. So that was
20 helpful in identifying where the
21 Democrats were.

22 Q. So if a house didn't have any
23 Democrats, you wouldn't knock on the
24 door?

25 A. No.

1 Q. So you went to doors where
2 Democrats were a resident?

3 A. Right, for a petition.

4 Q. When you were a Democrat, is
5 that the only time you circulated
6 nominating petitions?

7 A. Oh, no. No, I circulated
8 nominating petitions in 1983, for
9 local candidates and county
10 candidates. In 1984, for Gary Hart
11 for President. In 1985, for local
12 office.

13 And in 1986 I was working as a
14 consultant for two Democratic State
15 Representative candidates. Each of
16 them were outside of my district. So
17 under the rules at the time I couldn't
18 circulate. But for others that
19 circulated, we made sure that their
20 petitions were notarized and we
21 collected them off of them. So I
22 acted as a coordinator, not as much a
23 circulator for the State Rep
24 candidates.

25 And then in the winter of '88,

1 also circulated for Gary Hart again in
2 Luzerne County, because he needed one
3 more county to qualify for the 1988
4 ballot, because of the distribution
5 laws. And we successfully got him on
6 the ballot in '88 also.

7 Q. Okay. Going back to ---. You
8 just testified that you were a
9 consultant for two State
10 Representatives running as Democrat?

11 A. Correct.

12 Q. Did they win their election?

13 A. They did not. They did not,
14 Joe Yeager (phonetic) lost by 12
15 votes.

16 Q. Sorry to bring that up.

17 A. That's okay.

18 Q. The losses stick longer than
19 the wins. And in that election, the
20 1986 election for State Democrat ---
21 State Representatives, were they
22 outside ---? They represented areas
23 outside your election district?

24 A. Outside of my State Rep
25 district, yes. They ran in the 117th

1 and the 119th. I live in the 121st.

2 Q. Do you still live in the 121st?

3 A. Yes.

4 Q. So it hasn't changed over the
5 years?

6 A. That has not changed.

7 Q. Go ahead.

8 A. Yeah. No, every address I had
9 in the city was in the 121st. Just
10 wanted to make sure.

11 Q. So in 1986 you didn't actually
12 circulate petitions?

13 A. I did not, no.

14 Q. Okay. Were you involved in the
15 management of the circulation of those
16 petitions?

17 A. Yes, and in checking them. We
18 would take them to the voter service
19 office and make sure that the people
20 that signed were Democrats, in order
21 to ensure we had enough for our
22 candidate, so ---.

23 Q. If I recall, the reason why you
24 didn't circulate petitions is because
25 at the time the laws required you to

1 be a resident of the election district
2 to circulate ---?

3 A. Correct. Correct, I couldn't
4 circulate outside of where I was
5 registered.

6 Q. When you circulated nominating
7 petitions as a Democrat in 1984, did
8 you circulate with anyone else with
9 you?

10 A. Likely, yes. We often worked
11 in teams.

12 Q. How did that work?

13 A. Well, we would go out in
14 tandem. And again, it was a lot of
15 door knocking looking for Democrats or
16 going to Democratic Party functions.
17 You know, it's just finding areas
18 where you might find likely signers
19 and ---.

20 Q. Well, how did that work? You
21 had two people circulating?

22 A. Right. Well, we liked to go
23 out in teams, because at that time it
24 was an early primary that year. So
25 you know, the sun went down early and

1 so on. So yeah, making sure that we
2 just didn't leave people hung out
3 themselves in the dark and so on. And
4 then like if we had to match up that
5 person with a Notary, we would want to
6 do that before it got too late.

7 Q. Why is that?

8 A. Well, because it's hard to get
9 Notaries at night. You know, and
10 sometimes it's hard to get a volunteer
11 back the next day. Although that's
12 been more of a problem as a Green than
13 as a Democrat.

14 Q. Let's stick to the Democrat,
15 when you were a Democrat.

16 A. Okay.

17 Q. When you circulate nominating
18 petitions for the Democrats, ---

19 A. Right.

20 Q. --- either for yourself ---?

21 A. Right.

22 Q. First of all --- strike that
23 question.

24 When you circulate nominating
25 petitions for Prothonotary, did

1 anybody else circulate petitions for
2 you as well?

3 A. Yes, there were others that
4 carried my petitions. Mostly family
5 members.

6 Q. Were all these people
7 volunteers?

8 A. Yes.

9 Q. And were they all members ---?
10 Were they all residents of the
11 election district of Luzerne County?

12 A. Yes. Oh, yes.

13 Q. When they went out, did they
14 team up with anybody, to the best of
15 your recollection?

16 A. I really don't remember
17 specifically.

18 Q. Okay.

19 A. I know for the Prothonotary
20 campaign I rarely did.

21 Q. Why is that?

22 A. I was a 22-year-old upstart.
23 And it wasn't until after we qualified
24 for the ballot and I started making
25 the rounds in the circuit that we

1 built momentum and volunteers and
2 people started to take me more
3 seriously, so ---.

4 Q. Why haven't you run for office
5 since, as a ---? During your time as
6 a Democrat, what caused you not to run
7 again?

8 A. I was working for the Luzerne
9 County Court.

10 Q. Okay.

11 A. And in 1988 the Pennsylvania
12 Supreme Court reversed the last line
13 of the State Ethics Law, and told us
14 that court-appointed personnel are
15 bound by the same restrictions in the
16 judicial canons as a Judge. And
17 subsequently we were prohibited from
18 that time forward. So from 1988 until
19 I retired in January of 2001, I seized
20 any partisan political activity ---

21 Q. Okay. So you ---?

22 A. --- during those years.

23 Q. Partisan activity?

24 A. Right. Because of my position
25 with the court.

1 Q. Okay. I see. How difficult
2 was it getting people to sign your
3 petitions?

4 A. It wasn't that hard. But it's
5 like anything else when you're dealing
6 with the public. It's a numbers game.
7 You know, sometimes I get like three
8 doors in a row where the people would
9 be happy to sign. Other times, you
10 know, people didn't want to be
11 bothered or already had a preferred
12 candidate.

13 Or if they have signed for
14 someone else ---. There were six of
15 us running for Prothonotary, so if
16 they had signed for someone else, then
17 they couldn't sign mine.

18 Q. Did they indicate that they
19 would've signed?

20 A. Some did, yes.

21 Q. And you running for
22 Prothonotary as a Democrat in 1981, it
23 was purely a volunteer situation?

24 A. Yes.

25 Q. You didn't pay anybody to

1 circulate your petitions, ---

2 A. Oh, no.

3 Q. --- did you?

4 A. No.

5 Q. Now, in 1986 when you were a
6 consultant, did you participate in the
7 petition drive to get these
8 Representatives on the ballot?

9 A. I participated only in
10 verifying and reviewing and
11 coordinating --- maybe giving training
12 to volunteers.

13 Q. And that training was based on
14 what experience?

15 A. Based on understanding that
16 there are limitations when you're
17 petitioning that you have to be a
18 resident of the county. That only
19 Democrats could sign. So you know,
20 just understanding the dos and don'ts.

21 Q. Did either of those campaigns
22 hire professional circulators in 1986?

23 A. No.

24 Q. When did you become a
25 registered Green Party member?

1 A. The day after election day,
2 2000, November of 2000.

3 Q. Okay. Aside from being a
4 registered voter within the Green
5 Party, have you held any party offices
6 for the Green Party?

7 A. Oh, yes. Yes, I have.

8 Q. What are those offices?

9 A. Okay. Well, I was chairman of
10 the party in 2012.

11 Q. 2012?

12 A. Yeah. From 2007 through 2011 I
13 served on the state Steering
14 Committee. From 2012 through the
15 present, I serve as co-chair of our
16 Legal Committee.

17 Q. Before 2007, were you a --- did
18 you hold any office with the Green
19 Party?

20 A. Yeah, a delegate to --- a State
21 Committee delegate.

22 Q. And what does a State Committee
23 delegate do?

24 A. The State Committee is
25 essentially the ruling body of the

1 party. And the Steering Committee is
2 like the Executive Committee of the
3 party.

4 Q. So is the Steering Committee a
5 smaller subset of the State Committee?

6 A. Yes, the Steering Committee is
7 a seven-member team. And yes, they
8 can also be State Committee delegates
9 for their county. Does a local count
10 or do you just want the state ---?

11 Q. Offices, yes.

12 A. From 2001 to the present I've
13 been co-chair of the Luzerne County
14 party.

15 Q. Okay. I think we all know the
16 answer to this. Have you ever run for
17 public office as a Green Party member?

18 A. Yes, in 2006, for United States
19 Senate.

20 Q. Okay. Describe that process of
21 becoming a candidate.

22 A. Well, I became a candidate by
23 being nominated by our party.

24 Unanimous nomination, I should say.

25 And that year the minimum signature

1 requirement for independent or
2 third-party candidates was an historic
3 high at 67,070. So it was a daunting
4 process.

5 Q. Now, you said 67,070 signatures
6 on ---? How did you gather those
7 signatures, for the record?

8 A. Most of the signatures were
9 gathered by paid circulators.

10 Q. Who did you hire to circulate
11 your petitions?

12 A. JSM is the name of the company.
13 They're out of Florida.

14 Q. Okay. Just for the record, you
15 circulated nominating papers to get on
16 the 2006 ballot; correct?

17 A. Yes.

18 Q. Other than JSM, did anybody
19 else circulate your nominating papers?

20 A. Oh, yeah, many volunteers. And
21 outside of JSM, we also offered, in
22 certain areas ---. Like we hired
23 people individually for the day or the
24 week to circulate, but that was done
25 through the party.

1 Q. So the Green Party hired ---
2 strike that.

3 Did your campaign hire JSM out
4 of Florida?

5 A. Yes.

6 Q. To circulate nominating papers?

7 A. Yes.

8 Q. In addition to JSM, the Green
9 Party hired individuals to circulate
10 nominating papers on your behalf?

11 A. The campaign, my campaign
12 hired ---.

13 Q. Oh, it wasn't the party?
14 Because you testified it was ---.

15 A. Well, see I raised money that
16 year. Most of the money that I raised
17 was for the Luzerne County Green
18 Party, which was a registered Federal
19 Committee. At that time the
20 Pennsylvania Green Party was not
21 registered as a federal party PAC.

22 Q. Okay.

23 A. So the Green Party itself
24 didn't have the legal authority to
25 raise more than \$5,000 ---

1 Q. Okay.

2 A. --- at that time.

3 Q. How many signatures did JSM get
4 for your campaign in 2006?

5 A. Approximately 40,000.

6 Q. How many signatures did you
7 file?

8 A. The raw number we filed was
9 99,802. After we did a visual review
10 and X'd out any that looked facially
11 invalid, we were left with 94,544;
12 numbers I'll never forget.

13 Q. So you filed with the Secretary
14 of State's Office, 94,544 signatures?

15 A. Correct.

16 Q. Of those 94,000, 40,000 were
17 secured by professional circulators?

18 A. Yes, yes.

19 Q. JSM, to be specific?

20 A. JSM, to be specific, about half
21 of those 90-some thousand.

22 Q. Okay. Who learned of JSM?

23 A. I heard of JSM in 2004. I want
24 to say it was around the time of
25 Nader's Independent bid. Because

1 Ralph Nader used that company in the
2 southwest in one or two States and one
3 or two states in the northeast.

4 Q. Did they ever use JSM in
5 Pennsylvania in 2004?

6 A. He did not, no.

7 Q. Did you circulate petitions for
8 Nader in 2004?

9 A. I did.

10 Q. Did you circulate papers for
11 Nader in 2004?

12 A. I did.

13 Q. Okay. Are you aware of whether
14 or not Nader ---? Are you personally
15 aware of whether or not Nader hired
16 professionals in 2004 to circulate
17 petitions ---

18 A. Yes.

19 Q. --- papers?

20 A. Yes, he did hire a professional
21 petitioning company out of, I believe,
22 Montgomery County in the southeast.

23 Q. Oh, so it was Pennsylvania?

24 A. It was Pennsylvania, yes.

25 Q. Do you know who that was?

1 A. I don't know the name of the
2 company, but the company run by Darryl
3 Bonner.

4 Q. Oh, okay. What was your
5 involvement in the Nader campaign in
6 2004?

7 A. Mostly a volunteer. 2004 was a
8 politically-awkward year for us,
9 because Nader ---.

10 Q. When you say us?

11 A. The Greens.

12 Q. Okay.

13 A. Because Nader was running as an
14 Independent. And we had David Cobb,
15 who was nominated as the Green Party
16 candidate for President that year. So
17 I was one of the Greens that thought
18 that Ralph Nader was the better choice
19 for our party, and so I circulated for
20 Nader instead of the Green Party
21 candidate in 2004.

22 Q. Okay. Did Cobb make it on ---
23 to the best of your recollection? Did
24 Cobb make it onto the ballot in 2004
25 in Pennsylvania?

1 A. He did.

2 Q. Did Nader make it onto the
3 Pennsylvania ballot?

4 A. He did not.

5 Q. Do you know why he didn't?

6 A. Nader was challenged and failed
7 to prevail in the challenge, and was
8 subsequently removed from the
9 Pennsylvania ballot.

10 Q. Did you have any
11 interaction ---? You testified that
12 you circulated for Nader in 2004?

13 A. Right.

14 Q. Yes?

15 A. Yes.

16 Q. Did you have any interaction
17 with the paid circulators that year?

18 A. I didn't have interaction with
19 the paid circulators themselves, no.

20 Q. Did Cobb hire professional
21 circulators in Pennsylvania, to your
22 recollection?

23 A. I don't believe so, no.

24 Q. So in 2004 you circulated
25 petitions for Nader, the Green Party

1 --- or excuse me. Nader hired Darryl
2 Bonner to circulate petitions. And in
3 2006, you decided to run for Senate;
4 correct?

5 A. Correct.

6 ATTORNEY JOEL:

7 Object to the form of
8 the question.

9 ATTORNEY ROSSI:

10 Yeah, fair enough.

11 ATTORNEY JOEL:

12 I think he's wrong about
13 who Nader had collecting for
14 him, but that's fine. If
15 that's his memory, that's fine,
16 but I think he got it wrong.

17 ATTORNEY ROSSI:

18 Okay.

19 ATTORNEY JOEL:

20 The case says who it
21 was.

22 ATTORNEY ROSSI:

23 Okay.

24 ATTORNEY JOEL:

25 But that's fine. That's

1 his memory.

2 BY ATTORNEY ROSSI:

3 Q. That's your memory, that's all
4 you can testify.

5 ATTORNEY JOEL:

6 Yeah.

7 ATTORNEY ROSSI:

8 I appreciate that,
9 Counsel.

10 A. Right. And let me specify, if
11 I didn't in my initial Answer. As far
12 as I know, Bonner was only hired to
13 work Southeastern Pennsylvania. He
14 wasn't hired for the whole state.

15 BY ATTORNEY ROSSI:

16 Q. So your recollections is that
17 Bonner circulated petitions in the
18 Philadelphia area?

19 A. Right, Philadelphia and the
20 surrounding areas, yes. Or a paid
21 circulator. I thought it was Bonner.

22 Q. Okay. So you decided to run
23 for Senate in 2006?

24 A. Correct.

25 Q. As a member of the Green Party?

1 A. Correct.

2 Q. Based on your prior experience,
3 you understand you have to circulate
4 papers to get signatures?

5 A. Yes.

6 Q. And you decided to hire a
7 professional circulator?

8 A. Right.

9 Q. And that circulator was JSM out
10 of Florida?

11 A. That's correct.

12 Q. Why didn't you hire Bonner?

13 A. There were people who suggested
14 it. But the paid circulators that did
15 Ralph Nader's work in 2004, I think
16 their work seemed to not be up to par.
17 It looked visually bad and I was
18 concerned that there wasn't enough of
19 a cushion in the southeast for him to
20 qualify. I didn't think that they did
21 a good job.

22 Q. When you said visually they
23 didn't look good, the papers from
24 Nader in 2006, what do you mean by
25 that?

1 A. You look at a signature and if
2 it's illegible, it's not good. Back
3 at that time if the date wasn't filled
4 out properly it's not good. I was
5 just concerned about the validity
6 rate. That's what I mean by not
7 looking good.

8 Q. So in 2004, for Nader, in
9 addition to circulating for him, you
10 had an opportunity to review the
11 pages?

12 A. I followed that case closely,
13 yes, because of the major challenge
14 and just some of the, you know,
15 interesting things that went with it,
16 that was prior to the SHURE system.
17 So there were hearings like all over
18 the state.

19 Q. Okay. But did you participate
20 in those hearings?

21 A. No.

22 Q. Did you volunteer to help
23 review the petitions --- the papers?

24 A. I did review some of the
25 papers, yes. And I sought ---.

1 Q. In what capacity?

2 A. Just as a volunteer, and for my
3 own interest in this case. Because I
4 had never been part of a huge
5 challenge like this before. No
6 candidates I supported or myself
7 personally ---. Nader 2004 was an
8 interesting time. And you know, we
9 were all watching that case very
10 closely.

11 Q. Okay. So Nader filed his
12 papers in 2004?

13 A. Yeah, approximately 55,000.

14 Q. And he was challenged shortly
15 thereafter?

16 A. Yes.

17 Q. So how was it that you came to
18 eyeball the actual petition ---
19 papers?

20 A. Well, through --- as a
21 volunteer when people were going to
22 court working on the case, they had
23 photocopies of the pages they were
24 working off of. And I knew some of
25 the people that circulated and, you

1 know, talked to them. So I saw some
2 of the work product, I guess, in the
3 early days of the challenge.

4 Q. Okay. Just through conversing
5 with individuals who were involved in
6 the process?

7 A. And, yeah, there were a lot of
8 Greens that supported Nader and
9 petitioned for him in 2004, besides
10 myself, so ---.

11 Q. So through that ---?

12 A. Yeah.

13 Q. So through those interactions
14 you had occasion to actually review
15 Nader's nominating papers, just ---?

16 A. Yes.

17 Q. Okay. Was it more cursory?
18 Did you ---?

19 A. Not until later and not so much
20 on the papers themselves as reading
21 the analysis from like Attorney Mark
22 Brown and the court decisions and so
23 on.

24 Q. So based on that experience, in
25 2006 you decided to hire an

1 out-of-state circulator?

2 A. My concern was in needing so
3 many, I wanted to make sure I had the
4 best possible petitioning company I
5 could get.

6 Q. Okay.

7 A. And I felt JSM met that bill.

8 Q. Do you remember how much they
9 charged per signature?

10 A. No, I don't. But the total
11 amount they were paid was about
12 \$125,000.

13 Q. Now, as the candidate you had
14 direct interaction with JSM
15 circulators?

16 A. Yeah, with the fellow on the
17 ground for them, Mark Jacoby.

18 Q. Okay. So Mark Jacoby was JSM's
19 manager of your petition drive in
20 2006?

21 A. The Pennsylvania petition
22 drive, right, for them. And they only
23 worked the Philadelphia --- and five
24 or six counties around it also.

25 Q. Okay. Why would you only

1 circulate in one part of the state?

2 A. About one-third of
3 Pennsylvania's voters are concentrated
4 in those five or six counties in the
5 southeast. So for the paid
6 circulators, the professionals we
7 wanted to put them where the
8 population was. Just the strategic.

9 Q. So JSM comes in ---. You hire
10 JSM to circulate your nominating
11 papers in 2006?

12 A. Right.

13 Q. Did you sign a contract with
14 them?

15 A. Actually, no. We were
16 negotiating ---. 2006 was a strange
17 year. When I first started inquiring
18 about JSM, and they told me that it
19 would cost like \$200,000, it was well
20 beyond anything that I thought I'd
21 ever raise.

22 And when we started raising
23 some money, then I called them back
24 and said, well, you know I have like
25 \$40,000, I could hire --- will that

1 get anybody into the area and how
2 many ---? And we started back and
3 forth on that.

4 So I got them into
5 Pennsylvania, got them working. And
6 you know, I just paid them as they
7 delivered the signatures. I think it
8 turned out to be about \$3 or \$4 per
9 signature is the way it worked out.

10 Q. But there was no contract, it
11 was sort of a mission creed?

12 A. Right. Because I couldn't ---
13 wouldn't enter into a contract for
14 \$200,000 when I had about \$5,000 when
15 I was inquiring, and really thought
16 that it was out of my league, until we
17 were able to raise money about a month
18 or two later.

19 Q. Okay. Now, when JSM circulated
20 your papers ---? They're
21 headquartered outside of the state;
22 correct?

23 A. Yeah.

24 Q. And you said Florida?

25 A. Florida.

1 Q. Okay. Did they bring people
2 out of state into Pennsylvania to
3 circulate?

4 A. Well, they may have brought a
5 team of their own. Yeah, I know Mark
6 Jacoby was the guy that was
7 coordinating. And whether he had his
8 own people or had Pennsylvanians, he
9 had to train them. When he had his
10 own people in, if they weren't from
11 Pennsylvania, they had to be paired up
12 with a Pennsylvanian, because of the
13 way the law was at that time.

14 Q. And did you provide the
15 Pennsylvanians for him?

16 A. Some of them.

17 Q. Okay.

18 A. Not all.

19 Q. To the best of your
20 recollection, how did he go about
21 finding Pennsylvania witnesses?

22 A. College campuses is where they
23 looked for hiring a lot of
24 Pennsylvania witnesses or circulators
25 themselves, that the company would

1 hire and put on the streets and, you
2 know, they pay the individuals,
3 that ---.

4 Q. How long did it take to get the
5 witnesses for their circulators?

6 A. It took at least ten days to
7 two weeks, as I recall, from when I
8 met with Jacoby and he told me how ---
9 you know, they were going to train
10 these people until they actually were
11 on the streets and reporting numbers
12 to us. So almost two weeks.

13 Q. During the 2006 election, were
14 there situations where witnesses ---
15 well, strike that.

16 Were there any problems that
17 arose during the petition drive in
18 2006?

19 A. There's always problems that
20 arise, yeah. You'd get difficulty in
21 people not showing up. You'd get
22 people who were out on the street and
23 you think that they were working for
24 you. Then when you have your
25 rendezvous point to collect the

1 signatures and bring them to the
2 Notary, the people don't come back.

3 Q. What people are you referring
4 to?

5 A. The volunteers, the
6 Pennsylvanians. The paid circulators,
7 they come back, because until they
8 have their papers notarized and
9 verified, they don't get paid. But
10 volunteers could sometimes be
11 problematic, for a number of reasons.

12 Q. And these are the volunteers
13 that JSM hired to go with their
14 circulators?

15 A. Not hired, these are folks that
16 we'd send to them or that they'd round
17 up to work with their team, yeah.

18 Q. Oh, so some of the witnesses
19 were unpaid?

20 A. Yes. Yes. Because a lot of
21 them ---. Like if we had Greens in
22 the Philadelphia area and they teamed
23 up with the petitioners, that was
24 great. Because they were familiar
25 with our issues, the volunteers were.

1 And the professionals were, you know,
2 not real chatty about the issues, but
3 more focused on getting the job done.

4 Q. Okay.

5 A. Because it was such a
6 monumental task and it was getting
7 late in the season.

8 Q. Okay. About what time of year
9 did you hire JSM?

10 A. About May or June, probably
11 May. But it took until June until we
12 saw anything from them.

13 Q. And to the best of your
14 recollection, when were you required
15 to file your papers in 2006?

16 A. August 1st, I believe. I don't
17 think there was any holiday or weekend
18 that got in the way.

19 Q. Okay.

20 A. I'm certain there wasn't.

21 Q. So to your knowledge, when JSM
22 out-of-state circulators were
23 circulating for your campaign, they
24 always used Pennsylvania witnesses?

25 A. Yes, they had to.

1 Q. And to the best of your
2 knowledge, did the Pennsylvania
3 witnesses execute the affidavit on the
4 papers?

5 A. Yes.

6 Q. Okay. And you just testified
7 that it was your practice to have that
8 done the same day?

9 A. Yes.

10 Q. Your campaign instructed
11 circulators or JSM instructed
12 circulators to notarize the
13 paper --- all their work product of
14 the day, the same day?

15 A. Yeah. You want to get these
16 daily when you're out in big teams.
17 Otherwise you're going to lose a lot
18 of signatures, because people just
19 won't come back. Or if they didn't do
20 a good job and they're not going to
21 make what they targeted money-wise,
22 they won't come back.

23 Q. Okay.

24 A. So it makes more sense to do
25 that daily.

1 Q. And so about what time of day
2 did your --- based on your
3 recollection did the circulators
4 notarize their affidavits?

5 A. It was often done after 5:00 or
6 6:00 p.m., ---

7 Q. Okay.

8 A. --- sometimes later. Whenever
9 it was done later, though, that
10 usually required paying additional
11 expenses to the Notary. Because they
12 were coming out of their office at a
13 time they normally wouldn't, so ---.
14 And we tried to negotiate a flat fee
15 with the Notary or an hourly rate as
16 opposed to a per-page rate, when we
17 came in with that volume.

18 Q. And why is that?

19 A. Because \$5 a page, with the
20 number of pages we have, even with
21 some money around would be very
22 cost-prohibitive.

23 Q. Were there ever times in 2006
24 that you wanted to circulate papers
25 at a time of day when --- strike that.

1 In 2006 did you limit the
2 circulation of your papers based on
3 when you thought you could get
4 Notaries?

5 A. Yeah, I guess. I don't know if
6 limit is the right word, because we
7 never wanted to limit anyone if they
8 were going to be productive. But you
9 had to conform to certain time
10 patterns in order to assure that
11 so ---. Yeah, I guess you could call
12 that a limitation.

13 Q. That was my question. I'm not
14 trying to testify. Would you consider
15 it a limitation?

16 A. Well, yeah, of course. I mean,
17 the whole Notary process just creates
18 limitations. Because again, for a
19 Notary to do his or her job the right
20 way they need the actual circulator
21 there. So if you don't match those
22 two up, the papers don't mean a thing.

23 Q. Did you ever consider having
24 members of your campaign become
25 Notaries?

1 A. We've actually had a few
2 Notaries in the Green Party. I think
3 Christine Plunkett is still a Notary,
4 in the Harrisburg area. And Diane
5 White was one of our Notaries. And we
6 had a person in York, at least in
7 2004. I don't know if that person was
8 still there in '06. And one in
9 Williamsport ---.

10 Q. And these are all members of
11 the Green Party, who are Notaries, to
12 the best of your recollection ---

13 A. Yes.

14 Q. --- in 2006?

15 A. Yes.

16 Q. Okay. Why not just use these
17 people to notarize your papers?

18 A. We did. Like Diane White
19 notarized a lot of the Harrisburg
20 circulators' papers. And Christine,
21 when we had Notary parties, would do
22 so. But like Christine can't help us
23 in Philadelphia, unless we took the
24 expense of actually putting her there.
25 Which makes more sense to find a

1 Notary in Philadelphia to pay.

2 Q. What's a Notary ---? You just
3 mentioned a Notary Party. For the
4 record, what is a Notary ---?

5 A. Oh, a Notary party is when
6 you've had your team in the field and
7 then at the end of a day or the end of
8 a week you have everybody come in for
9 refreshments and getting together.
10 And you know, the Notary is seated
11 there and one by one the people go up
12 and get their papers notarized
13 and ---. You know, just a way of
14 getting everybody together with the
15 Notary, and trying to give them
16 incentive.

17 Q. You testified that 2006 the
18 policy was to get it done the same
19 day?

20 A. Yes, wherever possible, and in
21 bulk, yes.

22 Q. Why not just use Notary parties
23 to do that at the end?

24 A. Well, because when you have
25 paid circulators getting, you know, a

1 few thousand signatures a day, to wait
2 for a party and then have tens of
3 thousands, it just doesn't make sense.

4 Q. Okay.

5 A. You run the risk of losing too
6 many.

7 Q. Who paid for the notarizations
8 in 2006?

9 A. It was paid for by the campaign
10 and our party.

11 Q. Did individuals ever pay to
12 notarize their own papers?

13 A. They may have from time to time
14 and would be reimbursed then.

15 Q. So if a volunteer notarized a
16 paper, the campaign would reimburse
17 that person for the ---

18 A. Yes.

19 Q. --- Notaries?

20 A. Yes.

21 Q. Was the individual compensated
22 for any other ---? And I'm talking
23 about the volunteers now. Typically
24 nominating papers in 2006, did your
25 campaign reimburse them for any other

1 expenses?

2 A. Nothing beyond maybe a sandwich
3 or a drink from time to time. But no,
4 if they weren't specifically hired as
5 a paid circulator by the petition
6 company or by the party campaign, then
7 they were volunteers and we would only
8 reimburse any expense that they would
9 put upfront.

10 Q. In 2004, going back a little
11 bit ---. Just to clean up Nader's
12 campaign. Where did you circulate
13 nominating papers for him?

14 A. Luzerne County mostly.

15 Q. At that time was the law ---?
16 At that time ---? Based on your
17 recollection, at that time, did the
18 law still limit you to your election
19 district to circulate papers?

20 A. Good question. Technically no,
21 because of the Morrill case. Mike
22 Morrill was a Green Party candidate
23 for Governor in 2002. We won the fact
24 that you don't have to be in that
25 district to ---. But Pennsylvania was

1 still enforcing that for some
2 candidates. I don't believe they were
3 forcing it on federal candidates,
4 though.

5 Q. But nevertheless, you
6 circulated in Luzerne County?

7 A. Luzerne and Lackawanna. Very
8 close to home I stayed in 2004 for
9 Nader.

10 Q. Did the Nader campaign
11 compensate you at all for those ---?

12 A. No. And I never sought any.

13 Q. Did you notarize his papers?

14 A. Oh, yeah.

15 Q. Did you pay for the
16 notarizations?

17 A. I did, yeah.

18 Q. And were you reimbursed from
19 the Nader campaign?

20 A. No, I didn't ---.

21 Q. Getting back to 2006. Did JSM
22 manage the circulation of the papers
23 for your campaign? It's a bit of
24 a --- strike the question.

25 Who handled the daily work

1 required to circulate papers for your
2 campaign in 2006?

3 A. Well, again, anything that JSM
4 was doing, their personnel would be in
5 charge of that. But myself and
6 Gennaro (phonetic), Pelano (phonetic)
7 and a couple of other volunteers were
8 overseeing what was coming in from
9 other areas.

10 Q. Did JSM report to you of any
11 problems that they were encountering
12 in 2006?

13 A. Yeah, yeah. I mean, I remember
14 inquiring about why I hadn't gotten an
15 update in two days. And Mark
16 explained that he had to train some
17 new people, because the folks he had
18 working with him can't do it anymore
19 or at least some of them.

20 Q. Who couldn't work?

21 A. The Pennsylvanians ---.

22 Q. Okay.

23 A. He had to get new
24 Pennsylvanians.

25 Q. To witness?

1 A. In some cases, yeah.

2 Q. But his out-of-state
3 circulators stayed in state for the
4 entire time period, based on your
5 recollection?

6 A. Based on my recollection his
7 core team stayed with him.

8 Q. So the only issues that were
9 brought to your attention were with
10 respect to Pennsylvania witnesses?

11 A. Well, yeah, because you can't
12 circulate without them.

13 Q. And during that time period you
14 tried to help him get Pennsylvania
15 either Green Party members or other
16 volunteers?

17 A. Correct.

18 Q. Okay. In 2006, did you pay the
19 witnesses to work with the
20 circulators?

21 A. We didn't. I'd imagine JSM
22 did.

23 Q. So you're not sure?

24 A. I can't say with any certainty
25 from firsthand knowledge. But expect

1 that they did, because without paying
2 them I don't think they would've
3 gotten the numbers they needed.

4 Q. Were there papers that JSM had
5 in their possession that they never
6 filed?

7 A. That I wouldn't know about.
8 But I do know that I had papers in my
9 possession that I never filed.

10 Q. For your own campaign?

11 A. For my own campaign, because of
12 this doggone Notary thing. Back home
13 in Luzerne County one of my most
14 ambitious volunteers was this fellow
15 named Jim Spak. We go back many
16 years.

17 Q. Can you spell the name?

18 A. Yes, S-P-A-K. Spak. He
19 pronounces it Spock.

20 Q. Okay.

21 A. Okay. And in 2012, for
22 example, Jim and I were circulating at
23 the Farmers Market in Wilkes-Barre. I
24 got about four signatures, but in the
25 same time Jim got about 17, 20

1 signatures and was doing really well.

2 And then as it's getting around
3 August and I'm collecting from local
4 people, I have everybody's signatures
5 but Jim. And I called him up and
6 said, you know, Jim, I didn't get your
7 papers, could you run them down and
8 leave them at my house? And he said
9 no. He said, I can't afford to get
10 them notarized.

11 Now, this was getting close to
12 the date. I said well ---. I tried
13 to find a Notary that would do it for
14 free for him. But I ended up leaving
15 whatever signatures he had on the
16 table. And I watched him get at least
17 20 that one day.

18 And in 2006 when he worked for
19 us, he got us like 200 or 300. And
20 that's because we brought him directly
21 to the Notary on a regular basis, to
22 make sure that that's done. But you
23 get that with certain volunteers, that
24 just won't spring for a penny out of
25 their pocket, even if they'll get

1 reimbursed later.

2 Q. Did you offer to reimburse
3 Spak?

4 A. Uh-huh (yes). Spak is
5 disabled ---

6 Q. Oh.

7 A. --- and lives on his Social
8 Security. Because the year that he
9 got paid we had to provide copies of
10 the information to his caseworker on
11 this. So I believe him when he says
12 he really couldn't spend the money at
13 the time.

14 You know, again it's somebody
15 that's close to you. You think that
16 everything's going to be okay and then
17 you get these curve balls, you know?

18 Q. Why didn't you have a Notary
19 party?

20 A. What's that?

21 Q. Why didn't you just have a
22 Notary party in 2006 in Luzerne
23 County?

24 A. We had them in 2006. It was
25 2012 when Jim didn't turn in ---.

1 Q. Oh, I'm sorry. Okay. I'm
2 sorry.

3 A. In 2006 we had Notary parties
4 and gatherings and associations.

5 Q. So Jim Spak didn't turn his
6 work product in in 2012?

7 A. In 2012, for Jill Stein.

8 Q. Okay. But 2006, were there any
9 nominating papers that you're aware of
10 that did not get turned in?

11 A. Yeah, or we didn't submit them
12 because they weren't notarized. I
13 would say a good 5,000 signatures.

14 Q. Were not notarized?

15 A. Were not turned in because
16 either the person didn't get them to
17 us or they weren't notarized and we
18 didn't have that person to match up
19 with a Notary.

20 Q. If they weren't filed, how did
21 you come in possession of these
22 papers?

23 A. People would drop them off at
24 the doorway, mail them to the parties'
25 Post Office box. But they're mailed

1 with the affidavit filled out but not
2 notarized. People thinking they could
3 just send them in and we'll have
4 somebody notarize them, not
5 understanding how that works.

6 Q. So most of these papers that
7 weren't filed were circulated by
8 volunteers?

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. And they didn't understand the
13 Notary --- strike that.

14 The volunteer-circulated papers
15 that weren't filed didn't follow the
16 rules required to execute ---? Is
17 that your testimony?

18 A. That's my testimony, yes.

19 Q. Did you ever ---? At the time
20 when you got these papers, did you try
21 to contact the circulator and explain
22 what they needed to do?

23 A. Sometimes we did. Sometimes it
24 was so late it was just impossible.
25 And again, in 2006 we're talking about

1 massive volume trying to manage the
2 company over here. Which was
3 stressing me out because, you know, I
4 was always behind on my payments, just
5 trying to make sure I keep them and
6 got any work product from them. And
7 then from volunteers or paid people in
8 other areas of the state, it was a big
9 job.

10 So you know, after a full day
11 on the road, then I get home and it's
12 two days before the deadline and I've
13 got 200 signatures somebody left but
14 aren't notarized. So yeah, I tried to
15 get it done or leave them home. And
16 you know, tell my son, look, if this
17 guy calls back, tell him ---.

18 Q. Did you have a campaign staff
19 in 2006?

20 A. Well, not a paid staff for
21 sure. I had some core volunteers that
22 worked with us.

23 Q. Did you have any paid staff,
24 other than JSM?

25 A. No.

1 Q. Okay.

2 A. Well, we hired some people who
3 would normally volunteer for us, and
4 people in neighborhoods to work for us
5 like at \$10 an hour or a dollar or two
6 per signature.

7 Q. To do what?

8 A. To collect signatures.

9 Q. But at the campaign level you
10 didn't have any paid staff?

11 A. No, I didn't have a paid
12 manager or coordinators or --- no.

13 Q. Outside of 2004 and 2006 ---?
14 By the way, if you want to take a
15 break at any time, let us know.

16 A. Yeah, can I take a break?

17 ATTORNEY ROSSI:

18 Ten-minute break? Okay.

19 All right.

20 SHORT BREAK TAKEN

21 OFF RECORD DISCUSSION

22 ATTORNEY ROSSI:

23 All right. Back on the
24 record.

25 BY ATTORNEY ROSSI:

1 Q. All right. So did JSM bring
2 any problems to your attention in
3 2006?

4 A. Yeah. Yeah, of course. You
5 know, they sometimes had difficulty in
6 finding enough Pennsylvanians.

7 Q. Okay.

8 A. Other times getting them to be
9 dependable. And again, there was a
10 little more panic that year because it
11 was getting late and it was such a
12 daunting number that we were striving
13 for.

14 Q. After 2006, we'll move forward
15 a little bit, have you circulated
16 nominating papers for the Green Party
17 in Pennsylvania?

18 A. Oh, yes I have. In 2008, for
19 our statewide team and for our
20 Presidential candidate, who was former
21 Congresswoman Cynthia McKinney. In
22 2010, for Mel Packer, who was running
23 for U.S. Senate. I believe we had
24 some other down-ballot candidates that
25 year, too.

1 And in 2012, for Jill Stein.

2 And in 2014 for our gubernatorial
3 team. And this year, 2016, I was the
4 Pennsylvania ballot coordinator for
5 the Stein campaign.

6 Q. Was that a paid position?

7 A. Yes.

8 Q. How did you get that job?

9 A. I applied for it as an
10 independent contractor and was hired
11 or awarded the work.

12 Q. When did that run through?
13 What were the dates that you were an
14 independent contractor for the Jill
15 Stein campaign?

16 A. April 22nd through August 8th.

17 Q. What was your experience in
18 2016 with circulating nominating
19 papers?

20 A. Well, our experience is that we
21 got on the ballot, number one. Number
22 two, we found that this was great
23 because of winning on the in-state
24 witness. The Stein campaign hired
25 the --- Trent Pool's company, to do

1 Pennsylvania. And Trent's team, since
2 they didn't have to train and pair up
3 with Pennsylvanians, he was able to
4 use his team members from day one. He
5 was able to hit the ground running.

6 Q. As the coordinator for the
7 Stein campaign in Pennsylvania, did
8 you work --- did Trent Pool report
9 record to you?

10 A. He reported to me, yes.
11 Although his contract was done
12 directly through the campaign.

13 Q. Okay.

14 A. I had no control over that.
15 But the field operations, yes, I was
16 the person he'd have to report to.

17 Q. When he finished up a paper,
18 did he turn them over to you, ---

19 A. Yeah.

20 Q. --- to the campaign?

21 A. To me.

22 Q. Okay. So you were able ---?
23 You collected all of the nominating
24 papers for Jill Stein's campaign for
25 President in Pennsylvania in 2016?

1 A. Yes.

2 Q. Are you the person that filed
3 these nominating papers with the
4 Secretary of State's Office?

5 A. I am.

6 Q. Okay. When did you do that?

7 A. On August 1st.

8 Q. How many signatures did you
9 file?

10 A. 22,713.

11 Q. I think we all know the answer
12 to this question, but just to get it
13 on the record. Were your nominating
14 papers challenged by any party?

15 A. No.

16 Q. When Trent Pool was circulating
17 nominating papers, did he also
18 circulate papers for other candidates
19 at the same time?

20 A. He did.

21 Q. Were you personally aware of
22 that occurring?

23 A. Yes, yes.

24 Q. Did you circulate any
25 nominating papers in 2016, yourself?

1 A. I did.

2 Q. Where did you do that?

3 A. Wherever I was ---

4 Q. Fair enough.

5 A. --- in Pennsylvania. Yeah, I
6 circulated mostly in the east,
7 but ---.

8 Q. Did you do that on your own?

9 A. Yeah.

10 Q. Did you ever circulate
11 nominating papers with anyone else in
12 2016?

13 A. Yeah, I guess. For example,
14 when I was in York, I was circulating
15 for the Green Party, put my clipboard
16 down for a minute to have a cigarette.
17 And Ed and Denise, two people who were
18 working for Trent, came up to me and
19 asked me if I wanted to sign the Green
20 Party's petition. Because I guess
21 they saw my Green Party pen.

22 I said, I can't, I already
23 have. And you know, we got to talking
24 and I ended up signing for the
25 Constitution and --- you know, for

1 Rocky and the Libertarians that same
2 day.

3 Q. You mentioned the names Ed and
4 Denise, do you know their last names?

5 A. I do, but I'm not bringing it
6 forward right now.

7 Q. Did they indicate to you who
8 they were working for?

9 A. Oh, yes.

10 Q. And who were they working for?

11 A. They were working for Trent.

12 Q. Would that be Ed and Denise
13 Mason?

14 A. Mason. That's the name, yeah.

15 Q. So they were circulating down
16 in your county?

17 A. Yes.

18 Q. And you ran into them by
19 happenstance?

20 A. Happenstance. I was there
21 because I spoke at a school that day.

22 Q. Okay.

23 A. And I was going to have lunch
24 in York. I figured I'd take my
25 clipboard over to that marketplace

1 that they have there and work.

2 Q. So in 2016, you signed for more
3 than one President ---

4 A. I did.

5 Q. --- candidate? Other than the
6 Greens, Rocky and the Libertarians,
7 did you sign any other nominating
8 papers?

9 A. I think I may have even signed
10 the Constitution party's petition
11 somewhere along the way.

12 Q. But not at the same time you
13 met Ed and Denise?

14 A. No, I only signed two of the
15 three that they had that day. And I
16 don't believe it was Constitution
17 party. It was Rocky and the
18 Libertarians.

19 Q. Why would you sign more than
20 one nominating paper?

21 A. Well, because we're allowed to
22 now.

23 Q. Okay.

24 A. I think candidates deserve to
25 be on the ballot if they're seriously

1 carrying an agenda. Though I disagree
2 with a lot of things that the
3 Libertarians or the Constitution Party
4 believe in philosophically, I believe
5 in their right to be on the ballot.

6 Q. When you circulated --- strike
7 that.

8 Did you circulate nominating
9 papers in 2016 yourself?

10 A. Nominating papers, yes.

11 Q. Okay. Who did you circulate
12 for in 2016?

13 A. Well, Jill Stein was at the top
14 of the ticket. But we have down-
15 ballot candidates, too. So I helped
16 Jay Sweeney, who's running for State
17 Representative in the 100 --- the new
18 117th District.

19 Q. Did you circulate nominating
20 papers for candidates from other
21 parties?

22 A. I didn't circulate for other
23 parties, no.

24 Q. In 2016 you were the
25 Pennsylvania coordinator for Jill

1 Stein's campaign?

2 A. Correct.

3 Q. Were you allowed to circulate
4 for other parties, ---

5 A. No.

6 Q. --- as a coordinator?

7 A. No.

8 Q. Were you expressly prohibited
9 in doing so?

10 A. Between confidentiality and
11 other provisions in the contract, I
12 didn't want to in any way do something
13 outside of what I was hired for.

14 Q. Okay. Makes sense.

15 A. Yeah, I mean, I wasn't getting
16 paid a whole lot of money from the
17 Stein campaign. And Trent did offer
18 me work carrying other petitions, but
19 I refused, ---

20 Q. Okay.

21 A. --- because of my loyalty to
22 the task at hand.

23 Q. Outside of the situation when
24 you ran into Ed and Denise Mason, did
25 you witness the circulating nominating

1 papers at any other point in time in
2 Pennsylvania in 2016?

3 A. Yes. I mean, I've seen lots of
4 that kind of activity.

5 Q. I'm talking about this
6 election, 2016?

7 A. Yeah.

8 Q. What was the occasion where you
9 were witnessing the circulation of
10 nominating papers?

11 A. Well, just that day with the
12 Masons.

13 Q. Aside from the Masons, were
14 there other situations where you
15 witnessed Jill Stein's papers being
16 circulated?

17 A. Yes. Yes, at festivals, in
18 different cities. Not as
19 happenstance, usually it was more, you
20 know, I knew I was going to be in
21 Philadelphia, and I knew I was going
22 to be doing things related to the
23 campaign or the drive.

24 Q. So when you knew papers were
25 going to be circulated, do you

1 participate because it was your job?

2 A. Because it was my job. And
3 yeah, sometimes if you have newer
4 people, it just helps to give them a
5 little motivational talk. And you
6 know, make sure the volunteer
7 coordinator's giving them good
8 information, take a look at ---.

9 Q. Did you ever witness Trent's
10 circulators in action?

11 A. Yeah.

12 Q. Were you happy with their work
13 product?

14 A. I was.

15 Q. Why?

16 A. Well, as I was going to say
17 before ---. Like that day with the
18 Masons, I ended up having a nice
19 conversation with them for a good half
20 hour while they were circulating their
21 papers and in between. And I liked
22 the way that when someone was signing,
23 they were looking over the shoulder
24 and saying, okay, this is where your
25 signature goes, this is where you

1 print your name. They would ask
2 where, do you live as the first thing,
3 to make sure they had the proper
4 county.

5 In some of the rural areas you
6 might have an address that is P.O. Box
7 X in Dalton, but you're actually
8 residing at, you know, Falls Township
9 or something like that. So I was very
10 impressed, too, with the Masons
11 explaining that, when somebody said
12 they were from a rural area. And say,
13 well, please sign like where you
14 actually live, not just your P.O. Box.

15 Like they were kind of aware of
16 that. So they were paying attention
17 to detail and I liked that.

18 Q. Trent the other professional
19 circulators that Jill Stein's campaign
20 hired, did they conduct themselves in
21 a similar matter or did it vary?

22 ATTORNEY JOEL:

23 Objection to the fact
24 that he actually saw anybody
25 else.

1 ATTORNEY ROSSI:

2 I'm sorry?

3 ATTORNEY JOEL:

4 I don't think he said he
5 saw anybody else. He's talking
6 about the Masons, not that he
7 saw anybody ---.

8 BY ATTORNEY ROSSI:

9 Q. Setting aside your interactions
10 with the Masons, did you witness any
11 other --- strike that.

12 Aside from the Masons, did you
13 have an occasion to witness other
14 professional circulators hired by
15 Trent in action in Pennsylvania?

16 A. I saw some of his people, yeah,
17 working in Pittsburgh, when I was out
18 there.

19 Q. Did you have a chance to review
20 their work product?

21 A. Not so much their field work,
22 beyond my observation. But yeah, I
23 reviewed all of the work product
24 before it was submitted.

25 Q. Trent's circulators in

1 Pittsburgh, did you have ---? Were
2 you happy with how they conducted
3 themselves?

4 A. Yes. Yes, I was.

5 Q. In what manner?

6 A. Again, the same attention to
7 detail. I mean, I guess it's more of
8 a personal thing. Sometimes they led
9 with the Libertarian petition before
10 ours. So I was a little nervous, like
11 well, make sure that you get one for
12 ours, too. But they did.

13 Q. To the best of your knowledge,
14 they were circulating for more than
15 one ---?

16 A. They were circulating for more
17 than one also. They had at least two
18 clipboards at that time.

19 Q. Was the Jill Stein campaign
20 okay with the people ---? Her
21 campaign were paying circulators ---.
22 Was she okay with them circulating
23 more than one nominating paper?

24 A. I imagine they must have
25 been.

1 Q. But you don't know for a fact?

2 A. I'm only speculating.

3 Q. As Jill Stein's coordinator in
4 Pennsylvania, were you given any
5 instructions from the Stein campaign
6 with respect to whether or not her
7 paid circulators could circulate for
8 more than one candidate?

9 A. We had a conversation. When I
10 saw we, I say myself and the national
11 ballot-access coordinator, Rick Lass.
12 So I told Rick that I knew that Trent
13 was circulating for the Libertarians
14 as well. This Rocky project came in
15 later.

16 Q. Okay.

17 A. But at this time I knew that
18 Trent was also circulating for the
19 Libertarians. And Rick understood
20 that Trent was doing that.

21 And the idea was that for both
22 the Libertarians and the Greens, the
23 overall cost is less if you have one
24 person circulating two. So I'm
25 confident the campaign was aware of

1 that from the beginning.

2 Q. Were there any nominating
3 papers in 2016 that were delivered to
4 you that you didn't file?

5 A. There were some, but far less
6 than other years.

7 Q. Why?

8 A. The only reason we didn't file
9 anything this year is the person who
10 turned it in maybe neglected to fill
11 out an affidavit on every page. So
12 that would be a page we couldn't use;
13 or people who got them to us late.

14 Q. After the filing deadline?

15 A. After the filing deadline. But
16 we got ---. May I add something?

17 Q. Sure.

18 A. We did get a lot more papers
19 late from individual volunteers. And
20 I know at least in the case of Blyden
21 Potts, one of our volunteers ---.
22 Because he called my cellphone and
23 said, I know the filing deadline is
24 coming up, he said tomorrow, but I
25 didn't get these papers notarized.

1 And I said, Blyden, you don't have to
2 get them notarized anymore.

3 He didn't realize there was
4 that change in the law. Then he
5 looked at the paper and saw that. So
6 he was able to run those up from
7 Cumberland County. In a traditional
8 year, we'd have lost his.

9 Q. Oh, okay. In past election
10 cycles, prior to the change of the
11 law, were there petitions that were
12 not --- papers that were not filed?

13 A. Yes. As I testified earlier,
14 if we couldn't get them notarized or
15 match the Notary and the circulator,
16 we lost that work product.

17 Q. Are there specific reasons why
18 somebody wouldn't have a paper
19 notarized?

20 A. Well, you know ---.

21 Q. To your knowledge.

22 A. Yeah, I guess cost,
23 convenience.

24 Q. Okay.

25 A. But I wouldn't be able to

1 definitively say why.

2 Q. How many signatures were
3 usually on the nominating paper?

4 A. Usually about 30, 32.

5 Q. Were there situations where
6 there would be nominating papers with
7 less than 30 signatures?

8 A. There were. We actually
9 had ---. Ratio-wise, compared to what
10 our goal was for the state, we
11 actually had a lot of papers with one
12 or two or three signatures on that
13 were included in our filing package
14 this year, because of the fact that
15 those --- they didn't have to be
16 notarized.

17 You'd often lose straggling
18 papers like that. Like, for example,
19 somebody gets 200 signatures out of
20 Philadelphia. But then they meet two
21 people from Butler County and one from
22 Armstrong or something. So if they
23 were getting them notarized
24 themselves, they would do the full or
25 close to full pages and ignore those

1 smaller pages for not wanting to put
2 the money upfront, plain and simple.

3 Q. And your understanding of law
4 is that signatures have to be on
5 nominating papers of the same county?

6 A. Right.

7 Q. So your understanding is
8 somebody's working Philadelphia, most
9 of the signatures are going to come
10 from Philadelphia County?

11 ATTORNEY JOEL:

12 Objection.

13 A. Yeah, you can't tell.

14 BY ATTORNEY ROSSI:

15 Q. So the circulators had ---. If
16 somebody from Philadelphia is
17 circulating papers and they come
18 across a Lancaster County voter, what
19 is the process to get that Lancaster
20 County signature recorded?

21 A. Well, you just need a separate
22 page with Lancaster County indicated
23 in the top line and that page is for
24 Lancaster County signers.

25 Q. And it's your experience that

1 some of those smaller petition papers
2 would not get notarized?

3 A. Yes.

4 Q. And how do you know that? Did
5 you have conversations with these
6 individuals why they didn't notarize?

7 A. Well, you know, I said, how
8 come everything is from one county?
9 And you know, they would say, well, I
10 had two from X county, but since there
11 were only two on the page, I didn't
12 think it was worth it to us or to you.

13 Q. Would it have been worth it to
14 you?

15 A. Look, every signature counts.
16 So yes, it would've been worth it,
17 expensive or not.

18 Q. In 2016, were there --- strike
19 that.

20 As Jill Stein's coordinator in
21 Pennsylvania in 2016, you testified
22 one of your jobs was to manage the
23 professional circulators; correct?

24 A. Or at least ---. Yeah.

25 Q. And so you collected their work

1 product?

2 A. Yeah.

3 Q. Did you have conversations with
4 Trent Pool during the circulation
5 period?

6 A. Oh, yeah.

7 Q. Were there any problems that
8 crept up during that circulation in
9 2016?

10 A. Not anything that I would call
11 glaring.

12 Q. Okay. The 2016 circulation
13 drive, was it easier than in 2006?

14 A. Oh, yeah. Yeah, in volume, and
15 the fact that it was so much more
16 efficient. It was a lot easier to,
17 you know, have people turn in
18 signatures when we didn't have to go
19 through the extra step of Notary
20 parties.

21 Q. How much time ---? Back in
22 2006, when you were notarizing papers,
23 how much time did you have to spend to
24 get a paper notarized?

25 A. Well, you know, what does it

1 take, 30 seconds, for a paper to get
2 notarized, so ---. Is that what
3 you're asking or ---?

4 Q. I mean, it's a question. You
5 answer with your answer. In 2006,
6 were any of your papers rejected
7 because the Notary did not properly
8 execute the affidavit?

9 A. No.

10 Q. So they were all properly
11 notarized ---

12 A. Yes.

13 Q. --- in 2006? In 2006, in your
14 campaign, did you come across any
15 fraud by circulators?

16 A. No.

17 Q. Okay.

18 A. Let me clarify that. There
19 were many pages that were turned in by
20 people that we didn't submit because
21 they looked like they were blatantly
22 forged or fabricated in some way. So
23 I mean, what we did with those people
24 is pay them for their time, fire them.
25 But we shredded those petitions, so

1 they wouldn't come into our package.
2 Because you could tell from looking at
3 it that those people didn't do this
4 the right way. It was all in the same
5 hand and ---.

6 Q. Okay. So you believe it was
7 actual fraud, rather than somebody's
8 sloppy work?

9 A. That was my perception. And
10 it's been my experience that when
11 you're hiring people to do this,
12 there will be a small percentage of
13 folks who are not ethical and just try
14 to submit something for payment. Or
15 you know, there could be other
16 motivations, but that would be pure
17 speculation.

18 Q. In 2006 the petition pages that
19 you shredded, were they circulated by
20 Pennsylvania residents ---

21 A. Yes.

22 Q. --- or out-of-state residents?

23 A. No, they were Pennsylvanians.

24 Q. In 2006?

25 A. I didn't have this issue with

1 the signatures that I got from the
2 paid circulators, in '06 or, no. But
3 people that we hired on our own, when
4 you're hiring people off of the
5 streets or Philadelphia or Harrisburg
6 or somewhere, you're going to get
7 people that try to scam you.

8 And you have to do your due
9 diligence, because that could reflect
10 very poorly on a candidate if papers
11 like that get through. And I've been
12 adamant my whole career about that
13 kind of thing.

14 Q. We all know the answer to this
15 question, but just for the record,
16 did you get on the ballot in 2006?

17 A. I did not.

18 ATTORNEY ROSSI:

19 Okay. I'm done. I may
20 have some follow-up questions
21 but right now I'm done.

22 EXAMINATION

23 BY ATTORNEY JOEL:

24 Q. My name's Kenneth Joel. I'm
25 here with my colleague Nicole Lynn

1 Adams and we represent the Defendants
2 in this case. What's your educational
3 background?

4 A. I have a college degree from
5 Wilkes College, a few graduate credits
6 from Penn State, in the Administration
7 of Justice. High school was Coughlin
8 in Wilkes-Barre. And two
9 certifications in mediation and
10 advanced mediation from Marywood.

11 Q. I want to go back. I think
12 your first ---. 1981, that was the
13 first time you ran for anything?

14 A. Yes, sir.

15 Q. Okay. And that was Luzerne
16 County Prothonotary?

17 A. That's correct.

18 Q. And am I correct that ---? I'm
19 sorry. You ran as a Democrat;
20 correct?

21 A. Correct.

22 Q. So you had to gather signatures
23 on nominating petitions to get
24 yourself on the primary ballot;
25 correct?

1 A. Correct.

2 Q. And you did collect enough
3 signatures to get yourself on the
4 ballot; correct?

5 A. Yes, sir.

6 Q. And those signatures you
7 collected were all notarized; correct?

8 A. They were.

9 Q. Were they also ---? At least
10 to the best of your recollection and
11 ability, only one person signed? And
12 by that I mean they didn't sign for
13 you and another candidate? You were
14 aware of that?

15 A. Yes, that would be one of the
16 things that I ask, if they signed for
17 any other candidate.

18 Q. Okay.

19 A. For that office.

20 Q. For that office?

21 A. Yes, sir.

22 Q. Now, I'm going to go through
23 each office. But to the best of your
24 memory, the signatures that you turned
25 in were unique to your petition?

1 A. Yes, yes. Yes.

2 Q. And they were all notarized?

3 A. Yes.

4 Q. And do you remember how many
5 you got? I think you said between 300
6 and 500?

7 A. That was the minimum. I think
8 we submitted about 900 signatures that
9 year.

10 Q. You said you were collecting
11 and also I think you said family
12 members were collecting. Am I correct
13 that you or your family members signed
14 the affidavit of circulation?

15 A. Yes.

16 Q. I just want to fill in a date
17 here. Now you've been a member of the
18 Green Party from 2000 to the present.
19 And I assume by that you left the
20 Democratic Party in 2000. When did
21 you first become a member of the
22 Democratic Party?

23 A. When I registered to vote, when
24 I was 18 years of age.

25 Q. So 19 ---?

1 A. 1977.

2 Q. And you were a member of the
3 Democratic Party from 1977 all the way
4 through 2000?

5 A. Through Election Day 2000, yes.

6 Q. Now, the next one I wrote down
7 was that you circulated for local
8 candidates in 1983; is that correct?

9 A. In 1983, yeah.

10 Q. And was that ---? That was for
11 Democratic candidates?

12 A. A Democratic candidate for
13 County Commissioner, yeah.

14 Q. And the county was Luzerne?

15 A. Luzerne, yes.

16 Q. Did you just circulate on
17 behalf of one candidate?

18 A. Yes.

19 Q. Do you remember how many
20 signatures that candidate needed to
21 get to get on the ballot?

22 A. It was a county-wide office, so
23 the same 300 to 500.

24 Q. Do you remember how many
25 signatures you gathered?

1 A. No.

2 Q. Do you remember whether or not
3 that local candidate then made it onto
4 the Democratic primary ballot?

5 A. Yes. Yes, he did.

6 Q. And am I correct that since you
7 were already --- since you were the
8 Democratic Party, at least at that
9 point in time, you signed the
10 affidavit of circulation, for the
11 signatures to be collected?

12 A. Yes.

13 Q. And you had them notarized?

14 A. Yes.

15 Q. And you made sure, to the best
16 of your ability, that people were only
17 signing your person's nominating
18 petition as supposed to signing yours
19 and somebody else's?

20 A. Well, that was Commissioner,
21 so they could sign up to two for that
22 office.

23 Q. Okay. So you made sure that
24 they didn't sign ---?

25 A. They didn't sign any more, yes,

1 sir.

2 Q. The next time I have written
3 down her that you circulated was 1984
4 for Gary Hart, for President; is that
5 correct?

6 A. That's correct.

7 Q. And where did you circulate?

8 A. In Luzerne County.

9 Q. Do you know, back in 1984, was
10 it the same as 2000, signatures
11 required to get on the ballot in
12 Pennsylvania?

13 A. I don't remember what it was.
14 Our goal was at least a hundred valid
15 signatures, so that Luzerne County
16 counted for the distribution.

17 Q. Okay.

18 A. Okay. The state campaign
19 pretty much handled the petitioning,
20 but wanted to make sure that the
21 county coordinators were getting
22 enough, because of the distribution
23 concerns.

24 Q. Did you actually collect
25 signatures for Gary Hart running for

1 President?

2 A. Yes.

3 Q. You got some signatures?

4 A. Yes.

5 Q. Okay.

6 A. Yes.

7 Q. Do you know how many you got?

8 A. No, I don't, but I know it
9 wasn't a lot.

10 Q. Was it enough to get him on the
11 ballot for distribution purposes?

12 A. Oh, yes. Yes, he qualified.
13 And there were a lot of far more
14 prolific volunteers than I was. And
15 that's still the case until today, by
16 the way.

17 Q. The signatures you collected,
18 am I correct that since you were a
19 Democrat in 1984 in Pennsylvania, did
20 you sign the affidavit of circulation?

21 A. Yes.

22 Q. And am I correct that whatever
23 signatures you gathered you had
24 notarized?

25 A. Yes.

1 Q. And am I correct that to the
2 best of your ability, did you try to
3 make sure that you weren't get any
4 signatures from a person who had
5 signed somebody else's?

6 A. Yes. Again, by asking.

7 Q. Right.

8 A. That's the only thing I did.

9 Q. The next one I have written
10 down is 1985 you circulated for ---.
11 I wrote down local office. What
12 office was it?

13 A. Lou Miscoto (phonetic) for
14 Prothonotary.

15 Q. And was that circulation done
16 in Luzerne County also?

17 A. It was, yes.

18 Q. And was that the same 300 to
19 500 signatures needed?

20 A. Yes.

21 Q. Was that candidate successful
22 on getting on the Democratic primary
23 ballot for Prothonotary?

24 A. He was.

25 Q. And the signatures that you

1 collected, am I correct that as a
2 Pennsylvania Democratic, you signed
3 the affidavit of circulation?

4 A. Yeah.

5 Q. And am I correct that your
6 signatures that you gathered you had
7 notarized?

8 A. Yes.

9 Q. And am I correct ---? Oh, all
10 right. Did you try to make sure that
11 only person signed or was this one of
12 those county offices that two people
13 could sign it?

14 A. No, this was one where you
15 could only sign for one candidate.

16 Q. Okay.

17 A. Yeah, we made sure they didn't
18 sign for the incumbent before.

19 Q. 1986, I have you written down
20 as being a coordinator, consultant for
21 state office ---.

22 A. Two State Rep candidates.

23 Q. Okay.

24 A. In the 117th and the 119th.
25 The 117th candidate, Stephanie Wychock

1 (phonetic) actually made it to the
2 general election ballot, because there
3 was no Democratic opposition in that
4 primary. And Joe Yeager, in the 119th
5 District, lost that election, but made
6 it to the primary ballot.

7 Q. Okay. So both of those
8 individuals for whom you were
9 coordinating, made it to their
10 respective primary ballot for the
11 Democrats?

12 A. Correct.

13 Q. And did you collect signatures
14 for them?

15 A. No, just coordinated.

16 Q. As part of your coordination,
17 did you ensure that all signatures
18 were notarized before they were
19 submitted?

20 A. Yes.

21 Q. Am I correct that the
22 signatures that you received and
23 submitted had been notarized?

24 A. Yes.

25 Q. And the people actually

1 collecting the signatures, were they
2 Pennsylvania-registered Democrats, to
3 your recollection?

4 A. Yes.

5 Q. So would I be correct that
6 those individuals signed the affidavit
7 of circulator?

8 A. You'd be correct, yes.

9 Q. And the next one I have written
10 down in 1988, circulating for Gary
11 Hart when he ran for President. Do
12 you remember how many signatures he
13 got?

14 A. Yeah, I remember we got 85 that
15 day out of the courthouse area during
16 a snowstorm in February.

17 Q. And was your effort for Mr.
18 Hart similar to your previous effort
19 for Mr. Hart, that you were trying to
20 get him signatures, so that there
21 would be some distribution that he'd
22 be on the ballot or ---?

23 A. 1988 was that odd year where
24 because of the Donna Rice scandal
25 Hart's campaign was kind of derailed.

1 So it wasn't as organized, but the die
2 hards on the ground, you know, we
3 decided to try to get him on the
4 Pennsylvania ballot. So Luzerne
5 County did end up being the 10th and I
6 think it was Kim Stevens and I who
7 actually drove to Harrisburg in the
8 snowstorm to file those papers that
9 year.

10 Q. Is it your recollection, did
11 Mr. Hart get on the primary ballot in
12 Pennsylvania?

13 A. He did.

14 Q. He did?

15 A. He did, yes.

16 Q. And as a registered Democrat in
17 Pennsylvania in 1988, am I correct
18 that you signed the affidavit of the
19 circulator?

20 A. Yes.

21 Q. And am I correct that your
22 affidavits were properly notarized?

23 A. That's correct.

24 Q. And am I correct that you
25 certainly at least asked to try to

1 have people signing your petition who
2 hadn't also signed a petition for one
3 of the other candidates running for
4 President that year?

5 A. Yes.

6 Q. I then have a gap from 1988
7 until I think you actually ran for
8 Senate in 2006. And I understand that
9 was because you were working for the
10 judicial branch in Luzerne County?

11 A. Yeah. No, the gap was between
12 1988 and 2001. It was in January of
13 2001 when I retired ---

14 Q. Okay.

15 A. --- from the courts and became
16 active in politics again.

17 Q. Did you do any ---? Did you
18 run for any office between 2001 and
19 when you ran for Senate in 2006?

20 A. No.

21 Q. Okay. Did you collect
22 signatures on behalf of any other
23 candidate between 2001 and when you
24 ran for Senate in 2006?

25 A. Yes.

1 Q. Okay. Let's talk about those.
2 You talked about them before and I
3 didn't write them down, so ---.

4 A. Okay.

5 Q. Let me ask this. I'm sorry.
6 After 1988, did you do any
7 signature-gathering activities on
8 behalf of candidates, yourself or
9 others?

10 A. No, sir.

11 Q. The next time you started back
12 up with that was 2001?

13 A. 2002. Oh, no, 2001 we actually
14 petitioned locally to change the city
15 charter, ---

16 Q. Okay.

17 A. --- put a charter question on
18 the ballot. So I circulated on that
19 issue.

20 Q. Were you able to sign ---? Was
21 there an affidavit of circulator
22 involved with that?

23 A. Yes.

24 Q. And did you sign that, ---

25 A. Yes.

1 Q. --- as a Pennsylvania resident?

2 A. Yes.

3 Q. And was there a Notary
4 requirement back in 2001, ---

5 A. There was.

6 Q. --- for that sort of petition?

7 A. Yes, sir.

8 Q. And did you have all of your
9 stuff notarized properly?

10 A. Yes, sir.

11 Q. Was there a ---? Did you ---?
12 Go ahead.

13 A. Also in 2001, now that I think
14 about it, I circulated petitions to be
15 a candidate for the Luzerne County
16 Study Commission, looking at
17 establishing Home rule in Luzerne
18 County. And on the day that I had to
19 submit my signatures, the lawyer's
20 office that I was going to use to have
21 them notarized was closed early that
22 day.

23 So I went to the courthouse and
24 found a Notary there to notarize my
25 papers, but the delay actually caused

1 me to be 30 seconds late in filing,
2 and subsequently they weren't
3 accepted. So yeah, I was actually 30
4 seconds late, but I did intend to run
5 for the Study Commission position in
6 2001. I apologize, Attorney Rossi,
7 for forgetting about that one.

8 ATTORNEY ROSSI:

9 No problem.

10 BY ATTORNEY JOEL:

11 Q. Getting back to the petition
12 for the city charter. Did that
13 question get on the ballot?

14 A. It did.

15 Q. Do you know how many signatures
16 you either needed to get it on the
17 ballot or how many you collected?

18 A. I think we collected about 800.

19 Q. Any other signature-gathering
20 activities moving forward from
21 2001 ---? And let's stop at your
22 Senate one, because I've got some
23 specific questions about that.

24 A. Okay. Yeah, 2002 for Mike
25 Morrill for Governor, the Green Party

1 petitions. 2004 for Nader. And I
2 guess that's it in --- prior to '06.

3 Q. Okay. So the 2002 effort, were
4 you able to sign the affidavit of
5 circulator for the Green Party's ---?

6 A. Yes.

7 Q. And were you able to get those
8 notarized?

9 A. Yes.

10 Q. And were you able to make sure
11 that somebody who signed your petition
12 hadn't signed for somebody else?

13 A. Yes.

14 Q. And did Mr. Morrill make
15 the ---? Was that the general
16 election ballot, I'm assuming?

17 A. Yes, yes.

18 Q. General election ballot.

19 A. He made the ballot, yep.

20 Q. And Nader in 2004, I'm assuming
21 that was for President?

22 A. Yes.

23 Q. And did you ---? And you
24 collected signatures for Mr. Nader;
25 correct?

1 A. Yeah.

2 Q. And were you able to sign the
3 affidavit of circulation for that?

4 A. Yes.

5 Q. Did you have those affidavits
6 notarized?

7 A. Yes.

8 Q. And did you, to the best of
9 your ability, ask folks who you were
10 asking to sign, to ensure that they
11 hadn't previously signed somebody
12 else's ---?

13 A. For any other third-party
14 candidate, yes.

15 Q. And did Mr. Nader make it on
16 the '04 ballot?

17 A. He did not. He lost in
18 challenge.

19 Q. Okay.

20 A. He had enough signatures.

21 Q. That's probably a better way to
22 ask it. So he had enough signatures
23 to get on the ballot, but as you
24 understand it, there was a subsequent
25 challenge to his signatures in his

1 candidacy?

2 A. Correct.

3 Q. And through the court process
4 it was determined that he didn't have
5 enough ---

6 A. That he didn't have enough.

7 Q. --- or for some other reason he
8 was off?

9 A. Right.

10 Q. Let's turn to your Senate one.
11 I just want to make sure. So you
12 had ---. Your campaign for U.S.
13 Senate in 2006, you were able to
14 gather a raw total of 99,802
15 signatures?

16 A. Correct.

17 Q. And under the law at that time,
18 did --- the affidavit of circulator
19 needed to be signed by a Pennsylvania
20 voter; correct?

21 A. Circulator, yes.

22 Q. Okay. And those affidavits
23 needed to be notarized at that time;
24 correct?

25 A. Correct.

1 Q. And did those affidavits ---
2 strike that.

3 Did the signatures also have to
4 be --- those folks couldn't have
5 signed a nominating paper for another
6 third-party candidate for Senate?

7 A. Yes, I believe that restriction
8 still applied.

9 Q. And then if I understood your
10 testimony correctly, the campaign
11 looked through various signatures and
12 then decided --- made the decision to
13 submit 94,544 of those signatures?

14 A. The total number on the several
15 thousand pages we submitted, came to
16 99,802. And then what we did is from
17 that final package, looking at
18 individual's signatures that may have
19 been problematic, redlined them out,
20 which is what gave us that reduced
21 number.

22 Q. Okay. But that was a decision
23 that you ---?

24 A. The campaign made, yes.

25 Q. That wasn't, for example, when

1 you dropped them off at the Secretary
2 of State's Office, the Secretary of
3 State going through and saying, that's
4 bad, that's bad, that's ---?

5 A. Correct, yeah. This was the
6 campaign's decision, not the
7 Commonwealth.

8 Q. Okay. And I think you said
9 about half of those signatures were
10 collected by JSM?

11 A. Yes. About half, maybe a
12 little more, a little less. But yeah,
13 approximately ---.

14 Q. All right. And the signatures
15 that you turned in, the 94,544, was
16 above the threshold of 67,070 that was
17 needed for you to get your name on the
18 ballot?

19 A. Yes, sir.

20 Q. But then as I understand it,
21 there was an objection process after
22 that; correct?

23 A. Yes, sir.

24 Q. Who objected? Was it one of
25 the other major candidates or who

1 objected?

2 A. It was four individuals on
3 behalf of the Democratic Party, I
4 guess. Let's see, Daniel Landers
5 (phonetic), William Caroselli
6 (phonetic). And then there were two
7 others. There were four challengers
8 altogether.

9 Q. Okay. And these were
10 nomination papers. So this is your
11 attempt to get right on the general
12 election ballot in November?

13 A. Yes, sir.

14 Q. Because the Green Party
15 candidate didn't have a primary, ---

16 A. Correct.

17 Q. --- in Pennsylvania at least?

18 A. That's correct, yes, sir.

19 Q. Who's the Democratic that won
20 then?

21 A. Bob Casey.

22 Q. What's your recollection of how
23 long that objection process took?

24 A. It took until October 1st or
25 2nd before there was any kind of

1 ruling saying that I would not appear
2 on the ballot. And then through
3 various appeals, of course, different
4 aspects of that case, that went on for
5 years, appealing the fees that were
6 imposed and so on.

7 Q. So the Decision on October 1 or
8 2, was that Decision by Commonwealth
9 Court or is that the Supreme Court?

10 A. That's the Commonwealth Court.

11 Q. What went on in that objection
12 process? For example, did you have to
13 go into court and testify? Did you
14 bring people in to testify? What was
15 the process on it?

16 A. Well, the process immediately
17 we received a court order requiring
18 nine Green Party members as well as
19 nine Democratic members to be in
20 Harrisburg from 9:00 to 4:00, Monday
21 through Friday, until review of the
22 petitions were completed.

23 Q. Okay. And how long did that
24 review take?

25 A. Five weeks.

1 Q. What happened next, after the
2 review?

3 A. After the review ---. To make
4 a long story very short, we were
5 removed from the ballot on the
6 contention that there were not enough
7 valid signatures.

8 Q. What number of signatures were
9 deemed to be invalid of the 94,000 and
10 change that you submitted?

11 A. I don't recall.

12 Q. Was it more than half? Was it
13 less than half?

14 A. I don't recall. I mean, the
15 bottom line is they bounced me from
16 the ballot. And it was
17 practically ---. I do know that there
18 were global challenges made by the
19 challengers. By a global challenge,
20 meaning either challenging the
21 circulator or challenging the Notary.

22 Total that amounted to about
23 40,000 signatures that were challenged
24 on that basis alone. We prevailed in
25 both of those areas. None of those

1 were stricken. But we did have
2 line-by-line challenge. That's what
3 most of the review over that five
4 weeks was, was the line-by-line
5 challenge.

6 And then after we had won on
7 certain challenge provisions,
8 sometime in early September the
9 Democrats were then allowed to amend
10 their challenge, to go after those or
11 other signatures on different
12 technicalities.

13 Q. Okay.

14 A. So I mean there were a series
15 of hearings and proceedings beyond the
16 line-by-line challenge. We also had
17 two questions certified to the Supreme
18 Court on whether a signer had to be an
19 elector, and asking the question of
20 when is an election not an election?
21 Because in 2015 there were judicial
22 retentions in which one Judge lost,
23 one Judge was not retained.

24 And if that had been the
25 standard, our minimum number of

1 signatures would've been 15,000
2 instead of 67,000. So we were in
3 court on other aspects ---

4 Q. Okay.

5 A. --- besides that ---.

6 Q. You mentioned hearings. Were
7 there actually hearings taking place
8 in court, where people showed up and
9 argued and gave testimony and that
10 sort of stuff?

11 A. There was at least one hearing
12 where there were witnesses, which was
13 during the appeal process. That I
14 could remember. Most of it were
15 hearings with the attorneys briefing
16 or arguing in front of the court.
17 Excuse me, may I take a quick bathroom
18 break?

19 ATTORNEY JOEL:

20 Sure.

21 SHORT BREAK TAKEN

22 BY ATTORNEY JOEL:

23 Q. Mr. Romanelli, going back to
24 the 2006 signature collections that
25 JSM did for you. I think I asked

1 this, but I just want to make sure.

2 Am I correct that those signatures
3 needed a Pennsylvania resident to sign
4 the affidavit of circulator?

5 A. Yes.

6 Q. And I think you talked about
7 some global challenges, 40,000 were
8 challenged by the basis of the Notary
9 or the affidavit?

10 A. Either the circulator or yes,
11 the Notary.

12 Q. And I think you said that your
13 side was victorious on all of those
14 challenges?

15 A. Right. None of the global
16 challenges were upheld. And the
17 petition to move on them was withdrawn
18 by the other side, rather than the
19 Judge making the ruling on it.

20 Q. Okay. And were some of those
21 challenges to the signatures that JSM
22 had gotten for you?

23 A. I guess it was a combination of
24 both.

25 Q. And then were some of the

1 line-by-line strikings, were those
2 ones that JSM collected for you, and
3 also ones that you had volunteers or
4 what's your ---?

5 A. A combination of both. Most of
6 what was challenged was in the
7 Philadelphia area. But we had a lot
8 of volunteers working that area as
9 well.

10 Q. So we have the 2006 Senate
11 campaign. Am I correct that your next
12 circulating efforts were in 2008?

13 A. Yes.

14 Q. Okay. And that was for a woman
15 by the name of Cynthia McKinney?

16 A. Correct.

17 Q. And was she running for
18 President?

19 A. Yes, she was.

20 Q. On which party or ---?

21 A. Green Party.

22 Q. And did you actually circulate
23 and collect signatures for Ms.
24 McKinney?

25 A. I did.

1 Q. And as a Pennsylvania resident,
2 did you actually sign the affidavit of
3 circulation?

4 A. I did.

5 Q. And did you have those
6 affidavits notarized?

7 A. I did not.

8 Q. Why not?

9 A. Because we did not have enough
10 signatures with a cushion to meet that
11 year's obligation and file a number
12 that would stand up. So since we
13 didn't file --- since we weren't
14 filing, I didn't pay for the Notary.

15 Q. Okay. So if I understand you
16 correctly, you gathered signatures.
17 I'm assuming you and others did for
18 Ms. McKinney?

19 A. Yes.

20 Q. And you didn't hit whatever you
21 felt was a sufficient number to, at
22 the end of the day, get her over the
23 threshold for what she needed to get
24 on the ballot?

25 A. Right. And please, let me

1 specify for anyone who wouldn't know.
2 Because of the fees imposed on myself
3 in 2006 and Nader in 2004, by 2008,
4 third parties, unless they had
5 something that was rock solid in their
6 filing, weren't going to put
7 themselves in that kind of possible
8 jeopardy.

9 Q. Okay. And what you're
10 referring to there is the way the law
11 in Pennsylvania used to be at that
12 point in time, was that ---. If your
13 petitions were challenged and
14 successfully challenged, you, as the
15 proponent of the signatures, would
16 have to pay the other side's fees and
17 costs?

18 A. Yes, but I don't want to agree
19 to that with as Pennsylvania law had
20 it. Because it's not really clear
21 that that was necessarily part of the
22 provision. It had never been done
23 before.

24 Q. Okay. All right. I understand
25 what you're saying. I understand what

1 you're saying. But in '04 and '06,
2 whether it was in the election or by
3 some other mechanism, ---

4 A. Right.

5 Q. --- the folks, Nader in '04,
6 and you in '06, the proponents of
7 signatures got levied fees and costs
8 from the objector, ---

9 A. Yes, sir.

10 Q. --- the objectors had incurred?

11 A. That's correct.

12 Q. Okay. And what you're saying
13 is because of those two situations,
14 it's your opinion that at least in
15 2008, the decision by the McKinney
16 folks was that unless we're absolutely
17 sure we're going to be okay on that,
18 we're not going to risk it, because we
19 don't want to pay the money?

20 A. Correct.

21 Q. Okay. I just wanted to make
22 sure. I thought you understood what I
23 was saying. I wanted to make sure you
24 understood.

25 A. Yes, sir, I understand.

1 Q. What was the number that year
2 for McKinney, do you remember?

3 A. Yeah, I believe the minimum
4 number was in the area of 24,000.

5 Q. Do you know how many McKinney
6 folks collected?

7 A. I think we were looking at like
8 26,000 or something. We were just a
9 thousand or 2,000 over the minimum.

10 Q. Okay. So you were able to
11 collect signatures, having to sign the
12 affidavit of circulator? And you were
13 able to collect signatures of folks
14 who at least told you that they only
15 signed one set of nominating papers?

16 A. That's correct.

17 Q. But because you didn't have
18 enough of a buffer, you didn't go to
19 the final step and get them notarized
20 because you weren't going to submit
21 them?

22 A. Correct.

23 Q. And the decision not to submit
24 them was the fear you might lose in a
25 challenge and get levied for fees and

1 costs ---?

2 A. That's correct.

3 Q. Fair enough. 2010, ---.

4 BRIEF INTERRUPTION

5 BY ATTORNEY JOEL:

6 Q. Was that also a Green Party?

7 A. Yes.

8 Q. And do you know what the number
9 was to get Mr. Packer on the ---? Did
10 you get him on the General election
11 ballot?

12 A. Yes, it was like 20,500.

13 Q. Did you actually collect
14 signatures for Mr. Packer?

15 A. I did.

16 Q. And did you sign the affidavit
17 of circulator, since you're a
18 Pennsylvania ---?

19 A. Yes, sir.

20 Q. And did you get those
21 notarized?

22 A. Yes.

23 Q. When you were collecting, did
24 you ask, and at least try to the best
25 of your ability, to make sure that

1 somebody hadn't already signed
2 somebody else's nomination papers?

3 A. Correct.

4 Q. How many signatures did Mr.
5 Packer end up --- well, strike that.

6 Did Mr. Packer actually submit
7 his nomination papers with signatures
8 to the state?

9 A. He did.

10 Q. How many did he have?

11 A. It was about 22,000.

12 Q. Was there any challenge to
13 that?

14 A. There was the threat of a
15 challenge. An attorney on behalf of
16 the Democratic challenger --- Mike
17 Sestak was the challenger himself on
18 Packer's petitions. His attorney
19 threatened Mel with the possibility of
20 fees if he didn't prevail. So Mel
21 withdrew his filing.

22 Q. That withdrawal was because Ms.
23 Sestak's attorney threatened to go
24 after fees, if ---?

25 A. Right. And with such a minimal

1 cushion, you knew the candidate was
2 vulnerable.

3 Q. 2012 is the next one I have
4 written down. It was Jill Stein for
5 President?

6 A. Yes.

7 Q. And did you collect signatures
8 for Ms. Stein?

9 A. I did.

10 Q. That was for the Green Party
11 I'm assuming also?

12 A. Yes, sir. And I was chair of
13 the party that year, so ---.

14 Q. Did you, as a collector of
15 signatures, sign the affidavit of
16 circulator?

17 A. Yes, sir.

18 Q. And did you have it notarized?

19 A. Yes, sir.

20 Q. And did you try to make sure
21 that to the best of your ability that
22 you didn't have somebody who had
23 signed for somebody else already?

24 A. Yes. Yes, I think we were
25 still very careful about that in 2012.

1 Q. And jumping back to 2008, did
2 Ms. McKinney hire any professional
3 circulators or was it all done by
4 volunteers?

5 A. It was all done by volunteers.

6 Q. And by Pennsylvania volunteers?

7 A. Yeah.

8 Q. For Mr. Packer Senate's run in
9 2010, was that all done by
10 Pennsylvania volunteers or was there
11 professional ---?

12 A. No, that was all Pennsylvania
13 volunteers.

14 Q. And 2012, Jill Stein, was that
15 done by Pennsylvania volunteers or was
16 there a professional outfit engaged?

17 A. There wasn't a professional
18 outfit engaged. Most was gathered by
19 volunteers. But we were still short
20 in early July on our goal for Jill,
21 and the Stein campaign was able to
22 provide some money to this task. And
23 we hired the people from the
24 Kensington section of Philadelphia to
25 work for us, so ---.

1 Q. Go ahead, I'm sorry.

2 A. The Vice-Presidential candidate
3 with Ms. Stein that year was Cheri
4 Honkala, from the Kensington section
5 of Philadelphia.

6 Q. Okay.

7 A. Which is why the poorer
8 sections of Philadelphia is where most
9 of the hiring was done in 2012.

10 Q. Do you know, what was the
11 number of signatures needed for Ms.
12 Stein in 2012?

13 A. Yeah, it was a little short of
14 20,000, like 19,007, 19,008.

15 ATTORNEY ROSSI:

16 It's 20,600, '12.

17 A. Oh, 20,600 in 2012? Okay.

18 ATTORNEY ROSSI:

19 I only know that because
20 I defended the Libertarians,
21 so ---.

22 A. Oh, that's right. Thank you.

23 BY ATTORNEY JOEL:

24 Q. How many signatures were
25 collected for Ms. Stein?

1 A. About 27,000.

2 Q. Were those submitted to the
3 State?

4 A. Yes.

5 Q. Was there a challenge?

6 A. No.

7 Q. So Ms. Stein was on the general
8 election ballot for President of the
9 United States in 2012?

10 A. She was.

11 Q. Okay. The next one I have
12 written down is 2014. What was that
13 for?

14 A. Paul Glover and Wendy Lynne
15 Lee, for Governor and Lieutenant
16 Governor.

17 Q. Did that seem higher --- a
18 professional signature circulator?

19 A. It did not.

20 Q. Did you collect signatures on
21 behalf of that team?

22 A. Yes.

23 Q. And I'm assuming that was the
24 Green Party ---?

25 A. Yes.

1 Q. And as a Pennsylvania resident,
2 did you sign the affidavit of
3 circulator?

4 A. Yes.

5 Q. And did you get those
6 signatures notarized?

7 A. Yes.

8 Q. When you were collecting, did
9 you try your best to make sure that
10 somebody hadn't signed on behalf of
11 somebody else?

12 A. I probably did.

13 Q. Okay. How many signatures were
14 needed for that gubernatorial team in
15 2014 to get on the general election
16 ballow?

17 A. I don't recall. It was close
18 to the 20,000 mark.

19 Q. And do you remember how many
20 signatures were submitted?

21 A. I don't believe any were ever
22 submitted. We knew we were short.

23 Q. Okay. So you didn't even get
24 to the threshold?

25 A. We didn't even ---. Well, we

1 may have gotten to the threshold, but
2 barely over it, so it wasn't worth
3 filing.

4 Q. And am I correct the decision
5 was made not to file, because it
6 wasn't a big enough buffer you
7 were ---? And the campaign at least
8 was fearful of getting levied with
9 fees and cost on the back end?

10 A. By 2014 we were somewhat
11 concerned about fees, but more
12 concerned about just the pragmatic,
13 not having a buffer to work with.
14 That it just wasn't smart. There had
15 already been some action in the courts
16 --- in the federal courts because of
17 other lawsuits. Even though we hadn't
18 had a decision yet, by 2014, we
19 weren't as fearful in the past two
20 years as we were in the years between
21 2004 and 2013, regarding fees.

22 Q. But I'm assuming in a sense you
23 had --- over the threshold, you were
24 at least somewhat fearful or else why
25 not just pull the trigger and submit

1 them and see what happens?

2 A. Right, right. Yeah.

3 Q. The next one I have is 2016.
4 That's this year. Did you collect
5 signatures?

6 A. I did.

7 Q. And I'm assuming that was for
8 Jill Stein for President?

9 A. Jill Stein and our down-ballot
10 candidates Jay Sweeney for Auditor
11 General and Kristin Combs for
12 Treasurer.

13 Q. When did you start collecting
14 for the Green Party candidates?

15 A. I guess in March.

16 Q. And for the ones that you
17 collected, did you personally go out
18 and collect signatures?

19 A. I did.

20 Q. And did you sign the affidavit
21 of circulation?

22 A. Yes.

23 Q. And did you get those notarized
24 or ---?

25 A. No.

1 Q. The decision came down that you
2 didn't have to get them notarized?

3 A. Right. The decision came down
4 in 2015.

5 Q. Okay.

6 A. So this was the first election
7 that we used --- that we didn't have
8 to use the Notaries.

9 Q. Okay. And is it the first
10 election that you didn't --- that you
11 could have out-of-state circulators,
12 and then just sign the statement as
13 opposed to the affidavit?

14 A. Yes.

15 Q. And was this the first election
16 where you can have folks sign on more
17 than one paper?

18 A. Yes.

19 Q. How many did you collect for
20 --- let's say for Jill Stein?

21 A. Like me, myself or ---?

22 Q. Let's start with you and then
23 let's go overall.

24 A. I collect a few hundred myself.

25 Q. Okay.

1 A. Overall, we filed about 22,000
2 signatures, 22,700.

3 Q. Do you know what the number
4 was, at least at the time of filing?

5 A. Yes, at the time of filing the
6 requirement was 21,775.

7 Q. Okay. And between '14 and
8 2016, had there been some other court
9 Decision on the issue of fees and
10 costs on the campaign or the person
11 --- as the proponent of the
12 signatures?

13 A. Rephrase that ---?

14 Q. Let me get it at this way.
15 It's my understanding that there's a
16 decision out there that you can't
17 impose those costs on the other side.
18 If you know that's the case, you can
19 tell me that. That's fine.

20 A. Yeah, I'm not sure that that is
21 necessarily the case.

22 Q. Okay.

23 A. Okay. It might still be there
24 in some form or another.

25 Q. Okay. What's your

1 understanding about the ability to get
2 costs from the other side --- fees
3 from the other side at this point?
4 Strike that.

5 At the point that you filed the
6 papers for Ms. Stein?

7 A. Well, ---.

8 Q. At that time frame ---?

9 A. Yes, yes. Because when we
10 filed, it was based on the court order
11 from Judge Stengel. That specifically
12 said that in the event of a challenge,
13 each side would pay its own costs, ---

14 Q. Okay.

15 A. --- its own litigation costs.

16 Q. So that's what I was getting
17 at. That was your understanding at
18 the time you submitted the 22,000 and
19 change? That was then going to be the
20 rule, each side would pay its own
21 costs?

22 A. Right. In combination with a
23 much lower threshold of 5,000.

24 Q. When did that come about?

25 A. The last week or the next to

1 the last week of July. I believe it
2 was around July 20-something when that
3 finally came down. Very close to the
4 deadline.

5 Q. So you submitted all 22,000
6 anyway --- even though the number at
7 the time of your filing was only
8 5,000?

9 A. At the time of the filing,
10 yeah. The minimum number was 5,000
11 but we submitted everything that we
12 had.

13 Q. Was there any challenge to Ms.
14 Stein's signatures?

15 A. There was not.

16 Q. How about the other folks, from
17 whom you collected this year, the
18 down-ballot folks?

19 A. None of those candidates were
20 challenged.

21 Q. Okay. What was the signature
22 requirement on those?

23 A. 2,500 for the row offices, with
24 at least five counties with a hundred
25 or more signatures. So there was a

1 distribution aspect to it. And our
2 State Rep candidates, I think they
3 needed 300 signatures ---. Whatever
4 Republicans and Democrats need,
5 that's all that our State Rep
6 candidates needed in the three
7 districts that they're running. That
8 would be 60, 64 and 117.

9 Q. How many did you submit for the
10 down-ballot races, how many
11 signatures?

12 A. For the statewide ---?

13 Q. Any or all of them that you can
14 remember?

15 A. Okay. Well, the statewide
16 candidates, it would've been the same
17 number of signatures as the
18 Presidential.

19 Q. Okay.

20 A. Okay. And I don't know, there
21 were several hundred --- needing a
22 thousand --- for each of the State Rep
23 candidates. I'm not quite sure.

24 Q. And were there any challenges
25 to any of those down-ballot ---? I

1 can't remember if I asked that?

2 A. There were no challenges to any
3 of our candidates this year.

4 Q. And did the collection for the
5 Green Party this year ---? I think
6 you talked about this, did that engage
7 a professional signature
8 circulator ---?

9 A. It did.

10 Q. Do you know when they ---? Did
11 they start in March also or when did
12 they start?

13 A. No, no. I would guess that it
14 was in late April or early May, when
15 Trent Pool's company finally had a
16 contract.

17 Q. Did you have any information
18 that you can give me how many
19 signatures, campaign ---? How many
20 signatures were collected for any of
21 those Green Party folks, from March
22 until Benezet started as supposed to
23 from when Benezet started until after,
24 until the filing?

25 A. Yeah, yeah. I would say that

1 prior to the paid circulators coming
2 in, we had maybe 3,000, 5,000
3 signatures. We didn't have a lot.

4 Q. And that period was from ---?
5 When in March did you start
6 collecting?

7 A. We were eligible to start
8 collecting early, but it had to be
9 after mid-March before anybody really
10 started.

11 Q. And then you say that Benezet
12 started collecting in late April or
13 early May. Can you narrow that down
14 at all for me?

15 A. No, I'm guessing it was May,
16 because it was around the time the
17 Penguins were in the last stages of
18 the playoffs. Because a month later
19 after they won, I directed Trent to
20 take his team to the parade in
21 Pittsburgh. And he got a few hundred
22 signatures that day, so ---.

23 Q. Did your volunteers continue to
24 collect signatures throughout the
25 entire period, all the way up through

1 August 1?

2 A. Yes.

3 Q. For the ones that were
4 collected --- strike that.

5 You have collected signatures
6 for yourself and for others for over
7 30 years now; is that accurate?

8 A. That's accurate, yes, sir.

9 Q. Would it be a fair statement
10 that if somebody hasn't signed your
11 petition, there could be a whole host
12 of reasons why they decided not to do
13 so?

14 A. Sure.

15 Q. Anything from not supporting
16 your candidate to supporting another
17 candidate, to I just don't feel like
18 it today. And anything like ---?

19 A. Sure.

20 Q. Would it be based on whatever
21 that individual's decision is at that
22 time?

23 A. That's correct.

24 Q. We're just about done.

25 A. Okay.

1 Q. We were just talking about ---

2 A. Yes, sir.

3 Q. --- other reasons why somebody
4 might not want to sign. It could be
5 that they're just rushed that day?

6 A. Look ---.

7 Q. It could be ---?

8 A. A bunch of reasons, yeah.

9 Q. Okay. Could be an infinite
10 number of reasons?

11 A. Correct.

12 Q. Just depends on what that
13 person wants to do?

14 A. That's correct.

15 Q. And by that person, I mean the
16 person who you're trying to get a
17 signature from?

18 A. Yes, sir.

19 ATTORNEY JOEL:

20 That's all. Thanks, I
21 appreciate it.

22 RE-EXAMINATION

23 BY ATTORNEY ROSSI:

24 Q. A couple follow-up questions.
25 You testified that prior to Trent

1 coming on board in 2016, your
2 volunteers got about 3,000 signatures?

3 A. Yes.

4 Q. Approximately?

5 A. Approximately.

6 Q. Throughout the entire process,
7 about how many signatures did the
8 volunteers get?

9 A. Maybe about 6,000, 7,000.

10 Q. Okay. And you testified
11 earlier that you got about 22,700
12 signatures for Jill Stein?

13 A. About 21,700, actually.

14 Q. Okay, 21,000 ---?

15 A. Yes, just below the 22,000.

16 Q. So the rest were collected by
17 your hired professional circulator?

18 A. Yeah. Or again, sometimes we
19 hired ---. Like there were some
20 people who were working for Trent, but
21 then they decided to submit theirs as
22 a separate independent contractor. So
23 I guess they still got the same amount
24 of money. But the campaign paid them
25 instead of Trent paying them. So we

1 had a couple of other paid folks, but
2 it was smaller scale.

3 Q. So is it your testimony --- and
4 it probably is --- your testimony that
5 some of Trent's people took up
6 signatures directly to the Stein
7 campaign?

8 A. One of his did.

9 Q. Do you know who that person
10 was? If you don't, that's fine.

11 A. I can't remember his name. I
12 remember his e-mail address. But ---.

13 Q. Okay. What's the e-mail
14 address?

15 A. Thatpetitionguy@yahoo.

16 Q. Okay.

17 A. What happened was, he was
18 working for Trent, and then when Trent
19 tried to collect the signatures, the
20 guy wasn't calling him back. And
21 apparently this person who went rogue
22 on Trent got ahold of our national
23 ballot director said, I could get
24 petitions but I'd rather do it on my
25 own. So we took care of that.

1 And then in some cities you
2 might have a small --- ten people who
3 each go out and get 40 signatures and,
4 you know, might have made \$80 apiece
5 or something.

6 Q. So about how many signatures
7 did Trent's circulators provide to the
8 Stein campaign in 2016?

9 A. At least maybe 10,000.

10 Q. Okay. Going back to Cynthia
11 McKinney's 2008 campaign. Your
12 testimony is that ultimately they
13 didn't want to file because it wasn't
14 a big enough buffer and they were
15 worried about the fee issue?

16 A. Right. Yes, sir.

17 Q. And because of that, you didn't
18 get the --- you didn't execute the
19 petition papers with a Notary?

20 A. On mine.

21 Q. Oh, just yours?

22 A. On mine, yes. The attorney
23 asked me about mine. I'm sure others
24 got their papers notarized.

25 Q. Okay. So they ---?

1 A. Not all of us, but some did.

2 Q. Do you know that to be a fact
3 or is that speculation?

4 A. No, I know for a fact that
5 there were a handful of people who had
6 their papers notarized as they went
7 along month to month. So there were
8 notarized papers there.

9 Q. So there were people in 2008
10 who notarized their petitions and they
11 were not --- excuse me, notarize the
12 papers and they were not turned in?

13 A. Correct.

14 Q. Okay. Do you know if they paid
15 to have those papers notarized?

16 A. That I can't say for sure one
17 way or another.

18 Q. Do you know if the McKinney
19 campaign had any kind of operation to
20 process to notarize those papers?

21 A. I don't know for sure, no. I
22 really believe any of the logistics
23 were handled by the state party, not
24 the campaign.

25 Q. Oh. So McKinney didn't have a

1 campaign apparatus in the state?

2 A. She didn't, no. Not like Jill
3 Stein, she had nowhere near the funds
4 for the organization that the Stein
5 campaign has.

6 Q. So each state party was
7 responsible for getting the national
8 candidate on the ballot, is that your
9 understanding?

10 A. Yeah, at least for
11 Pennsylvania.

12 Q. Okay. All right.

13 A. You might have an event state
14 like California, where there might be
15 --- where the resources were actually
16 spent.

17 Q. When people refuse to sign
18 nominating papers, do they ever say
19 why they're not going to?

20 A. Sure. I mean, we've had people
21 actually accuse us of doing something
22 wrong by trying to have them signed.
23 And they're saying, well, every time
24 people sign for the Green Party, you
25 guys are in court. But they don't

1 understand what this challenge system
2 means. And so you've had people that
3 were afraid, who think they're in the
4 know politically.

5 We've also had people that just
6 don't like us. And you know, you have
7 other people who don't want to be
8 bothered. Some people you'll ask
9 them, they'll steer right through you
10 and won't answer.

11 We've had people say, yeah,
12 sure. In 2006, I experienced that and
13 the person started signing his name
14 and when he got to the end of his
15 signature, put this big flourish that
16 ended up making almost a G Clef on my
17 page, and then he handed the paper
18 back and took off. So that eliminated
19 a whole page, you know.

20 I'd like to think that was
21 either ill mood or some sort of true
22 believer candidate that --- who we
23 might challenge. So you're out
24 dealing with the people, you never
25 know.

1 Q. Okay. Prior to 2016, when you
2 were allowed to get signatures from
3 electors who had signed other papers,
4 were there --- did any voter indicate
5 his desire to sign more than one
6 paper?

7 A. Yes.

8 Q. Okay. Did they say why ---
9 based on ---? Do you recall why?

10 A. Most of the people who wanted
11 to sign more than one was simply for
12 choice.

13 Q. Okay.

14 A. You know, people like
15 candidates to be on the ballot and
16 then hear what those candidates are
17 about. Though a lot of our rifles in
18 the bigger parties aren't very fond of
19 us, there's a certain curiosity in
20 part of the population about what
21 Greens and Libertarians are. So they
22 like when we're on the ballot and they
23 could find out a little bit about us.

24 ATTORNEY ROSSI:

25 Okay. I'm done.

1 Thanks .

2 RE-EXAMINATION

3 BY ATTORNEY JOEL:

4 Q. You mentioned somebody who was
5 collecting this time around I think
6 for the Stein campaign. Was that one
7 of Benezet's professional collectors?

8 A. It was somebody --- a
9 Pennsylvanian, that he wanted to be on
10 his team to help. And the guy said he
11 would. And then he went and was
12 petitioning like in New York or New
13 Jersey --- this other person not
14 Trent.

15 And then when he came back he
16 didn't want to talk to Trent. He had
17 already worked out his own deal, which
18 amounted to the same amount of money.
19 But I remember I had to have him fill
20 out W-9s and have a contract sent to
21 him before we could finalize things,
22 so I know that that individual didn't
23 get paid until like late August.

24 Q. Was it Andy Jacobs?

25 A. It was Andy, yeah.

1 Q. I just want to make sure I
2 covered this. For the 2008
3 collections that you did for Ms.
4 McKinney, am I correct that there was
5 no out-of-state professional
6 circulators involved in that
7 collection of ---?

8 A. That's correct.

9 Q. For the 2010 Mel Packer
10 collection effort, am I correct that
11 there was no out-of-state professional
12 signature collection efforts for that?

13 A. Correct.

14 Q. For the 2012 Jill Stein
15 collection effort, am I correct that
16 there was no professional out-of-state
17 signature collection effort?

18 A. That's correct.

19 Q. 2014 gubernatorial team, am I
20 correct that there was no professional
21 out-of-state signature collection?

22 A. That is correct.

23 Q. But in 2016 with Jill Stein in
24 the down ballot, there was?

25 A. Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTORNEY ROSSI:

That is it.

* * * * *

DEPOSITION CONCLUDED AT 4:40 P.M.

* * * * *

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF BEDFORD)

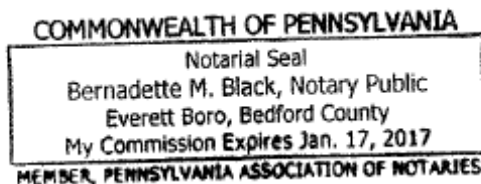
CERTIFICATE

I, Bernadette M. Black, a Notary
Public in and for the Commonwealth of
Pennsylvania, do hereby certify:

That the witness whose testimony
appears in the foregoing deposition, was duly
sworn by me on said date, and that the
transcribed deposition of said witness is a
true record of the testimony given by said
witness;

That the proceeding is herein recorded
fully and accurately;

That I am neither attorney nor counsel
for, nor related to any of the parties to the
action in which these depositions were taken,
and further that I am not a relative of any
attorney or counsel employed by the parties
hereto, or financially interested in this
action.



Bernadette M. Black

Bernadette M. Black,
Court Reporter